UNITED
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CCPR

International covenant
on civil and
political rights

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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Fourth periodic reports of States parties due in 1997

MEXICO* **

[30 June 1997]

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* For the initial report submitted by the Government of Mexico, see CCPR/C/22/Add.1; for its consideration by the Committee, see CCPR/C/SR.386, SR.387, and SR. 404 and the Official Records of the General Assembly, thirty-eighth session, Supplement No. 40 (A/38/40), paragraphs 60-98. For the second periodic report submitted by the Government of Mexico, see CCPR/C/46/Add.3; for its consideration by the Committee, see CCPR/C/SR.849 to SR.853 and the Official Records of the General Assembly, forty-fourth session, Supplement No. 40 (A/44/40), paragraphs 96-139. For the third periodic report submitted by the Government of Mexico, see CCPR/C/76/Add.2; for its consideration by the Committee, see CCPR/C/SR.1302 to SR.1305 and the Official Records of the General Assembly, forty-ninth session, Supplement No. 40 (A/49/40), paragraphs 166-182. See also the core document dated 1 September 1992 (HRI/CORE/1/Add.12).

** The annexes are available for consultation in the files of the Office of the United Nations High Commissioner for Human Rights.

GE.97-19677 (E)

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Introduction

1. Mexico, as a State party to the International Covenant on Civil and Political Rights, hereby submits for consideration by the Human Rights Committee its fourth periodic report, in conformity with the provisions of article 40 of the Covenant and with the Committee's guidelines on the submission of complete reports within a period of five years.

2. Article 133 of the Constitution of the United Mexican States stipulates that international treaties concluded by the President of the Republic, with the approval of the Senate, shall, together with the Constitution itself and the laws of the Federal Congress, constitute the supreme law of the entire nation; consequently, the Covenant forms part of national legislation and may be the basis and foundation for any legal action.

3. The Mexican State, in conformity with the principles established in the Constitution, shares the responsibility and concern of the community of nations to protect and oversee the fundamental rights of the human being, and has accordingly signed and ratified various instruments of worldwide and regional scope on this question.

4. The Covenant is consistent with our Constitution. In acceding to this multilateral instrument, Mexico reaffirmed the national realization of the rights recognized in the Covenant, thereby contributing to the extension of its universal validity and, in this respect, undertaking a clear commitment vis-à-vis the community of nations.

5. The Government of Mexico has, in its earlier reports, described in detail the constitutional provisions and the specific rules of national legislation which guarantee respect for the human rights of all individuals who are in its territory and subject to its jurisdiction, without any distinction.

6. Mexico's third periodic report included information up to June 1992, highlighting, inter alia, the establishment of the National Human Rights Commission by a Decree of 6 June 1990 and the adoption, in December 1991, of a new Federal Act for the Prevention and Punishment of Torture.

7. It should be emphasized that during the period covered by the present report human rights commissions were established in each of the states of the Republic, in accordance with the Decree of 18 January 1992, which added to article 102 of the Constitution a paragraph B empowering federal and state congresses to establish organs of constitutional rank for the protection of human rights, in their respective spheres of competence.

8. When Mexico's third report was submitted to the Human Rights Committee, all complaints concerning violations of human rights were dealt with by the National Commission. Now, when federal authorities are involved, complaints are dealt with by the National Commission and when state authorities are involved, the complaints are dealt with by the state commissions in the first instance. However, the National Commission may subsequently exercise its power of attraction.

9. Mexico has participated with determination and enthusiasm in the powerful process of internationalization of the protection of human rights, through declarations, covenants, conventions, commissions and jurisdictional bodies geared to their improvement and genuine effectiveness. In this context, the Government signed and ratified on 23 March 1981 the International Covenant on Civil and Political Rights, which has been in force in Mexico since 23 June 1981.

10. Mexico's libertarian vocation is based on the defence of the human rights of Mexicans at home and abroad. In Mexico, our civilized coexistence renders inconceivable general, public and effective non-observance of human rights. The protection of these rights is not a concession to society, but the Government's primary obligation towards its people.

11. The Government recognizes the need for strict enforcement of the rule of law and the unrestricted observance of the human rights enunciated in the Constitution. The Constitution's chapter on individual guarantees and social rights honours Mexican constitutionalism and the most modern conception of universal law.

IMPLEMENTATION OF THE COVENANT

Article 1 of the International Covenant on Civil and Political Rights

Constitutional and political processes which permit the exercise of this right in practice

12. The information relating to paragraph 1 of article 1 of the Covenant contained in Mexico's third periodic report remains valid.

13. In exercise of the right of self-determination, through a reform of 1993 the membership of the Chamber of Senators was amended. There are now 128 senators, of whom in each state and in the Federal District two are elected in accordance with the principle of relative majority voting and one is assigned to the first minority. The remaining 32 senators are elected in accordance with the principle of proportional representation, under the system of lists voted on in a single national multi-candidate constituency.

Factors or difficulties preventing the free disposal of its natural resources and wealth contrary to the provisions of this paragraph and the extent to which this affects the enjoyment of the other rights enunciated in the Covenant

14. The information relating to article 1, paragraph 2, of the Covenant contained in Mexico's third periodic report remains valid.

Positive measures to facilitate the exercise and observance of the right of peoples to self-determination

15. The information relating to article 1, paragraph 3, of the Covenant contained in Mexico's third periodic report remains valid.

Article 2 of the Covenant

Guarantees of equality regardless of differences of race, colour, sex, language, religion, political opinion, national or social origin, financial status or birth

16. The guarantees of equality are established in article 1 of the Mexican Constitution:

> "In the United Mexican States every individual shall enjoy the guarantees granted by this Constitution, which guarantees may not be restricted or suspended except in the cases and under the conditions established by the Constitution itself."

17. As to equality of the sexes, article 4, paragraph 2, of the Constitution states:

> "Men and women are equal before the law, which shall protect the organization and development of the family. Every person has a right to decide in a free, responsible and informed manner on the number and spacing of his or her children."

18. Freedom of belief is recognized in article 24 of the Constitution:

> "Every person is free to profess the religious belief of his preference and to practise the relevant ceremonies, rites or acts of worship, provided that they do not constitute an offence punishable by law."

19. All the above-mentioned guarantees have been established in the Constitution since 1917; however, in the case of the indigenous populations, the only constitutional provision referring to them is the text added to article 4, paragraph 1, of the Constitution in 1992:

> "The Mexican nation is multilcultural in its composition, originally formed by its indigenous peoples. The law shall protect and promote the development of their languages, cultures, practices, customs, resources and specific forms of social organization, and shall guarantee their members effective access to the jurisdiction of the State. In agrarian proceedings and litigation to which they are party, their legal customs and practices shall be taken into account in the terms established by the law."

Legislative, administrative, judicial, political and other measures adopted by the Government of Mexico between 1992 and 1996 to guarantee recognition and observance of the rights established in the Covenant, without any distinction on grounds of race, colour, sex, language, religion, political opinion, national or social origin, financial standing, birth or any other social condition

20. The constitutional reforms effected pursuant to the Covenant, in accordance with the provisions of article 2 thereof, have essentially been the following:

(a) Article 3:

28 January 1992

Restrictions on the right of religious corporations to provide primary and secondary education and teacher training were abolished, and opportunities to provide education at those levels were extended to private individuals.

9 March 1993

The right of every individual to receive an education was guaranteed, as was the obligation of the State to provide pre-primary, primary and secondary education. The State was empowered to grant or withdraw official recognition of studies in private institutions.

(b) Article 4:

28 January 1992

The multicultural composition of the Mexican nation, originally formed by its indigenous peoples, was expressly incorporated.

(c) Article 5:

28 January 1992

The prohibition of the establishment of monastic orders, irrespective of their name and the taking of religious vows, was abolished.

(d) Article 16:

6 September 1993

The term "inculpado" (defendant) was replaced by "indiciado" (suspect); execution of a judicial order must be immediate; urgent action on serious offences; detention of the suspect by the Public Prosecutor's Office not to exceed 48 hours.

3 July 1996

The inviolability of private communications was guaranteed; interception may be effected or authorized only at the request of the federal authorities or the Public Prosecutor's Office, except for matters of a civil, employment-related, commercial, electoral, fiscal or administrative nature.

(e) Article 19:

3 September 1993

A time limit of 72 hours was set for bringing a suspect before a judge.

(f) Article 20:

3 September 1993

The various types of security, cancellation of release as a result of default by the accused, and the right of the suspect to be informed of his constitutional rights from the outset of the proceedings were established. The presence of the officially appointed lawyer at all stages of the proceedings and the legal advice of the victim or injured party were guaranteed.

3 July 1996

Provision was made for release on bail. This will be denied in the case of serious offences or when the suspect has previously been convicted of a serious offence.

(g) Article 21:

31 December 1994

Challenges of court decisions by the Public Prosecutor's Office were provided for. Provisions were enacted concerning public security and its underlying principles. Coordination was ordered between the Federation, the states and the municipalities in order to establish a national system of public security.

3 July 1996

Responsibility for the prosecution and investigation of offences was placed on the Public Prosecutor's Office, which will be assisted by a police force under its authority.

(h) Article 22:

3 July 1996

Seizure of property was authorized for the purposes of the payment of civil liability for the commission of an offence or in the case of unlawful enrichment and offences involving organized crime.

(i) Article 24:

28 January 1992

Acts of public worship allowed at any venue and not exclusively in churches, but they are subject to regulatory legislation. Congress was forbidden to enact laws which establish or prohibit any religion.

(j) Article 27:

6 January 1992

The division of agricultural land was terminated and the agrarian tribunals were established. Recognition was granted to the ejido and communal population groups and the rights of ejido workers concerning their plots.

28 January 1992

Religious associations were granted the capacity to purchase, possess or administer property essential for their purpose.

(k) Article 35:

22 July 1996

The right of individuals to join an association in order to participate in the political affairs of the country was recognized as a civil right.

22 August 1996

The words "in the appropriate district" were deleted in connection with the obligation of citizens to vote in elections.

(l) Article 41:

19 April 1994

Elections to be organized by an autonomous public body with the participation of citizens; it will be composed of citizen counsellors appointed by the legislature and the executive, and of representatives of the political parties.

22 August 1996

A provision establishing the free and individual right of citizens to join political parties was added.

(m) Article 73:

31 December 1994

Congress was empowered to enact legislation establishing the bases for coordination between the Federation, the Federal District, the states and the municipalities on matters relating to public security, and for the purposes of the organization, functioning, admission, selection, promotion and recognition of the members of the federal public security institutions.

(n) Article 82:

1 July 1994

Replacement of the requirement of being the child of parents who are Mexican by birth by that of being the child of a Mexican mother or father and having lived in Mexico for at least 20 years.

(o) Article 94:

31 December 1994

Federal Council of Justice added.

(p) Article 99:

22 August 1996

The article was amended in its entirety. The Electoral Tribunal will be the supreme jurisdictional authority and specialized body in this area.

(q) Article 104:

31 December 1994

Supreme Court of Justice to hear disputes and actions provided for in article 105.

(r) Article 107:

31 December 1994

The cases in which the Supreme Court may hear direct applications for amparo were established. Complaints concerning violation of the guarantees contained in articles 16, 19 and 20 to be heard by the court higher in rank than the court committing the violation.

(s) Article 110:

31 December 1994

Council of Justice added.

(t) Article 111:

31 December 1994

Members of the Federal Council of Justice added.

(u) Article 119:

3 September 1993

Federal District included as an authority bound by the terms of the article. The terms "procesados" and "sentenciados" (unconvicted and convicted prisoners) were included, as were seizure and handing-over of confiscated offence-related instruments and objects to the authority requesting them. The Office of the Government Procurator was empowered to participate in the collection of evidence, in accordance with the collaboration agreements concluded. The Federal Executive was given responsibility for dealing with extradition cases.

(v) Article 122:

22 August 1996

Local government organs were expressly established for the Federal District, namely, the Legislative Assembly, the Federal District Head of Government and the High Court of Justice; the latter, together with the Council of Justice, will perform the ordinary judicial function, in cooperation with the other organs established by the government statute. The Legislative Assembly was empowered to introduce civil and criminal legislation, to establish regulations concerning the organization protecting human rights, the participation of citizens, the action of court-appointed lawyers, notaries, and the public registration of property and commerce, to regulate the provision and concession of public services, and to introduce legislation on urban transport, sanitation, tourism and accommodation services, meat-markets, slaughterhouses and cemetaries. It was also empowered to adopt an organization act for the courts responsible for ordinary judicial functions in the Federal District.

(w) Article 123:

31 December 1994

The Federal Council of Justice was made responsible for settling labour disputes between the judiciary and its employees. The Supreme Court will settle disputes between itself and its employees.

(x) Article 130:

28 January 1992

Juridical personality established for churches and religious associations, which were barred from political activities, were empowered to inherit ar were exempted from intervention by the authorities in their internal activities, all these provisions being based on the historic principle of the separation of the State and the Church.

21. Among the administrative measures adopted by the Government is the promulgation of the National Development Plan 1995-2000 by the Federal Executive; its legal basis lies in the Constitution and in the Federal Public Administration Organization Act and the Planning Act. The Plan's specific objectives in relation to article 2 of the Covenant are the following:

(a) To consolidate the regulation and exercise of the functions of the organizations responsible for the non-jurisdictional protection of human rights, in particular the National Human Rights Commission and the local human rights commissions, with the aim of establishing and extending a genuine system for safeguarding these rights and promoting a culture of observance and promotion of such rights;

(b) To improve indigenous access to the judicial institutions, taking account of their cultural identity, in order that they may avoid injury in the application of the law. Encouraging equal access to justice for the indigenous peoples entails strengthening mechanisms which guarantee legal processes in conformity with the law, such as the systematic presence of interpreters to enable indigenous persons to follow their proceedings in their own languages and specific publicity for the rights and responsibilities conferred on them by the law;

(c) To establish a State governed by the rule of law in which all persons may have access to justice and satisfy their just demands; a system in which individuals and the authorities defer to the terms of the law and, when this does not happen, the offenders are punished; a system in which the quality of judges and their decisions are beyond all suspicion.

Favourable or unfavourable conditions existing in Mexico for the full enjoyment of the rights established in the Covenant by all persons subject to its jurisdiction

22. The Mexican Government, obeying the constitutional mandate, fully grants, on a basis of legal equality, civil and political rights and freedoms to its nationals and foreigners, without discrimination on any ground or on the ground of nationality.

23. Mexico has always assumed responsibility for the defence of its sovereignty on the basis of the sound principles of international law. Our Constitution establishes the principles of non-intervention, respect for the self-determination of peoples, the peaceful settlement of disputes, the proscription of the threat or use of force, the legal equality of States, the search for peace and cooperation for the development of Mexico's foreign policy.

24. In addition, Mexico has always pursued a pacifist defence of national security, which has meant that, despite a number of conflicts which have arisen within the country, favourable conditions continue to exist for the fulfilment of the provisions of the Constitution and of those of international treaties.

25. Mexico is confronting the challenge of reconciling the principles of international law with strategic objectives, internal decision-making capacity

with the reality of interdependence, social and political plurality with unity in the face of internal and external challenges, the internal constitutional commitments with the country's policy on international matters. The strengthening of sovereignty is based on this reconciliation.

Measures adopted to promote the dissemination of the rights established in the Covenant, the instruction of the public authorities, and awareness of the Covenant and the resources for putting it into effect

26. During the period 1992-1996, the National Human Rights Commission organized a number of events with the aim of bringing to the attention of the authorities and various sectors of society the rights provided for in various international instruments, including the Covenant.

27. In this connection, the reporting period witnessed the holding of 164 events intended for staff of the Government Procurator's Office, 13 for municipal authorities and 32 for the armed forces; the latter events were attended by 19,306 senior and other officers, non-commissioned officers, ordinary soldiers and cadets. Stress was laid on the rights established in the Covenant, rights which have been adopted by the Mexican Government.

28. In addition, the National Human Rights Commission has published the following books whose aim is to publicize and disseminate the rights established in various international instruments, including the Covenant:

Basic international human rights instruments. A commentary (1994);

Human rights, national legislation and international treaties (1994);

International instruments relating to human rights, United Nations and OAS. Three volumes (1994);

The reservations expressed by Mexico on international instruments relating to human rights (1996);

The international systems for the protection of human rights (1996).

Article 3 of the Covenant

Legislative, administrative or other measures adopted between 1992 and 1996 for the purposes of the implementation of the principle of equality between men and women in the enjoyment of the rights established in the Covenant

29. As already indicated in previous reports, starting with the Mexican Constitution, in general terms women suffer no legal limitation whatsoever, since the law regards them as having the same rights and obligations as men. The legislation setting out regulations relating to the articles of the Constitution which govern everyday life, contains provisions to ensure the equality of women and men.

30. During the period covered by this report, new provisions were adopted as a result of constitutional amendments and legislative work on various matters relating to the situation of women. It should be pointed out that, despite

the new legislative provisions, in general there has been no change in the situation described in previous reports, in that the Constitution explicitly recognizes the equality of men and women before the law. This report will paint a general picture of the recent major reforms and legal initiatives and their impact in relation to women.

Establishment of the National Human Rights Commission and its Programme on Matters relating to Women, Children and the Family

31. The National Human Rights Commission was established by a Presidential Decree published in the Diario Oficial de la Federación on 6 June 1990. Subsequently, on 28 January 1992, a section B was added to article 102 of the Constitution, which laid the bases for the establishment of organizations of that type throughout the Republic. These actions supplemented the Mexican system for the protection of human rights, in addition to the institution of the writ of protection (juicio de amparo).

32. Article 102 of the Constitution states:

> "The Congress of the Union and the legislatures of the states shall, within the limits of their competence, establish organizations for the protection of human rights, which shall consider complaints of acts or omissions of an administrative nature by any authority or public servant, with the exception of those of the judiciary of the Federation which violate those rights, and shall address non-binding autonomous public recommendations, charges and complaints to the respective authorities.
>
> "These organizations shall not be competent to deal with electoral, employment and jurisdictional matters.
>
> "The organization established by the Congress of the Union shall consider any inconsistency in relation to the recommendations, decisions and omissions of the equivalent organizations of the various states."

33. The National Human Rights Commission Act does not include specific provisions relating to the rights of women, since the individual guarantees proclaimed in the Constitution provide for the equality of men and women; nevertheless, substantial progress has been made in combating discrimination against women through the establishment in 1993 of the Programme on Matters relating to Women, Children and the Family by the National Human Rights Commission.

34. This Programme comprises the hearing of complaints by women who believe that their rights pertaining to their status as women have been violated, studying and proposing solutions to the problems which impede the full exercise of the human rights of women, and promoting the equality of relations and responsibilities of men and women within the family unit. It promotes the access of women to all levels of the educational system and their retention in the system, the right to employment, training and equitable entry levels, to social security and insurance systems, and to health services, in particular reproductive health services.

Participation of women in the development of their communities

35. In 1992, the New Agrarian Act was adopted in line with the amendment to article 27 of the Constitution. Article 63 of the New Agrarian Act states that "the same protection shall be given to ... the women's industrial-agricultural unit [as to the land intended for human settlement]". Article 71 of the Act stipulates that of the land forming part of an ejido (unit of communal land) "an area may be reserved, ... preferably in the best land adjacent to the settlement zone, for the establishment of a livestock farm or rural industries run by women over 16 years of age ... [which] may include facilities designed specifically for the benefit and protection of peasant women". The new Act thereby extended that right to all women, since the previous Act had limited it to women who were not ejidatarias (holders of shares in an ejido).

36. There has, however, been a change compared with the previous Agrarian Act, article 103 of which had made the existence of women's industrial-agricultural units mandatory in each ejido. Now, that decision is left to the assembly of the ejido, as is the extension of a plot of land. Similarly, the right of the lawful wife or common-law wife to be the primary successor to a plot of communal land, a right set forth in article 81 of the 1971 Act, has been abolished, and in its place the new Act establishes that an ejidatario has the right to designate successors at his discretion, as is the case in civil law.

Access of women to education and the retention of women in the educational system

37. In the field of education, the amendment to article 3 of the Constitution, published in the Diario Oficial on 5 March 1993, represents an important step towards making secondary education - as well as primary education - mandatory, reaffirming the right of every individual to receive an education.

38. The General Education Act of 1993, in conformity with the constitutional amendment, reiterates, in article 8, section III, the precept which stipulates that education must uphold the "ideals of fraternity and equality of rights of every human being, avoiding privileges on account of race, religion, group or sex, or individual privileges".

39. In chapter 3, article 32, relating to equality in education, the General Education Act stipulates that measures should be taken "towards establishing conditions which will allow the full exercise of the right of every individual to education, greater educational equality, and the attainment of effective equality of opportunity of access to and retention in educational services. These measures shall be directed, on a continuing basis, at those groups and regions which are most backward in education or are confronted with unfavourable economic and social conditions". It thereby establishes a legal framework which implicitly recognizes the gender differences with regard to access to education and the school drop-out rate, as well as the need to establish measures targeting vulnerable groups, among which women occupy an important place.

Participation of women in politics

40. On 22 November 1996, the Congress of the Union adopted an addendum to transitional article 22 of the Federal Code of Electoral Institutions and Procedures, which states that the national political parties should consider in their statutes that no more than 70 per cent of the candidates for deputy or senator should be of the same sex.

41. At the state level, on 23 December 1996 the Congress of the State of San Luis Potosí adopted the Electoral Act of that State, article 33 of which stipulates that the political parties must seek to register an equal number of candidates of the two sexes. The Congress of the State of Sonora amended article 89 of that State's Electoral Code to incorporate a requirement that, in the register of proposed candidates, on no electoral roll should more than 80 per cent of the candidates be of the same sex.

Protection of the health of women in employment

42. The Federal Safety, Hygiene and Working Environment Regulations, which have been in force since 21 April 1997, incorporate for the first time in Mexican legislation provisions regulating safety and hygiene in employment in specific activities that have not been considered hitherto - such as forestry, agriculture and sawmills, including measures relating to fixed and temporary installations; agricultural machinery, equipment and implements; agrochemical agents and, especially, the safe use of insecticides and fertilizers. They also contain safety and hygiene provisions to protect the foetuses or children of pregnant or nursing working women, and at the same time lay down preventive measures to protect the physical and mental development of minors in the workplace.

43. They state that pregnant women cannot be engaged in employment which involves the handling, transport or storage of teratogenic or mutagenic substances; where there is exposure to sources of ionizing radiation capable of producing contamination in the workplace, in accordance with the applicable legal provisions, regulations and standards; where there are abnormal environmental pressures or disturbed environmental thermal conditions; and where the muscular effort required may affect the foetus.

Protection of women against acts of violence

44. In 1996, on the initiative of the executive branch, articles 16, 20 (section I), 21, 22 and 73 (section XXI) of the Constitution were amended to improve the potential to deal with organized crime, which is recognized as one of the most serious problems confronting Mexico and the whole international community. At the same time, the Criminal Code was amended to strengthen, inter alia, the provisions relating to illegal deprivation of liberty when carried out with violence and when the victim is under 16 or over 60 years of age or physically or mentally inferior to the person responsible for the deprivation of liberty.

45. On 7 November 1996, the Federal Act against Organized Crime was published in the Diario Oficial. The purpose of the Act is "to establish rules for the investigation, prosecution, trial, sentencing and enforcement of

the penalty in the case of offences committed by any person associated with organized crime. Its provisions are in the public domain and are applicable throughout the national territory", inter alia in matters relating to trafficking in undocumented persons and minors.

46. In the Federal District, the Assembly of Representatives adopted the Domestic Violence Prevention and Assistance Act, which entered into force in August 1996 (annex I).

47. On 26 November 1996, the Senate of the Republic approved the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women - the Convention of Belém do Pará. In January 1997, the Ministry of Foreign Affairs recommended its ratification.

National organizations established between 1992 and 1996 for the purpose of examining legislation and practice which affect the enjoyment of civil and political rights by women

48. In Mexico, governmental action with regard to both the establishment of women's programmes and support for legislative reforms goes back several decades, one example being the recognition of women's right to vote in 1953.

49. Indeed, as indicated in Mexico's periodic reports to the Committee on the Elimination of Discrimination against Women, various programmes and measures have been implemented in the past 20 years to help to improve the status of women. It should be pointed out that 1974 saw the establishment of the National Programme for International Women's Year, which prepared Mexico's report for the 1975 World Conference, held in Mexico. As part of International Women's Year, new advances were made towards achieving the equality of women with the amendment of the Constitution and various civil, labour, criminal and other laws.

50. In 1980, the National Programme for the Integration of Women in Development was established within the National Population Council (CONAPO) of the Ministry of the Interior. Later, in 1985, a National Commission for Women was established, also within the Council, to coordinate sectoral activities and projects which formed part of a renewed Plan of Action. In 1993, the work of the Commission was reoriented towards the preparations for the Fourth World Conference on Women, with a National Coordinating Committee.

51. Similarly, in January 1994, the Department for the Coordination of Matters relating to Women was established in the Ministry of Foreign Affairs in preparation for and in support of the National Coordinating Committee for the Fourth World Conference on Women; since then it has served as the administrative unit linking national and international agencies which promote the advancement of women, and monitored the implementation of the relevant international instruments signed by Mexico, as well as the implementation of the Beijing Platform for Action.

52. On 8 March 1995, the National Programme for Women: Alliance for Equality (PRONAM) was initiated; the official document was submitted one year

later. This Programme constitutes a national mechanism to promote activities designed to improve the status of Mexican women on the basis of nine general objectives.

53. The National Programme for Women forms part of the National Development Plan 1995-2000; it too proposes, as a priority social policy objective, the promotion of the full and effective participation of women in the economic, social, political and cultural life of the country on an equal basis with men.

54. As a follow-up to the diagnosis drawn up in preparation for the Fourth World Conference on Women and the strategies established in the National Programme for Women: Alliance for Equality, which are in keeping with what was agreed both in the Regional Programme of Action for Women of Latin America and the Caribbean, 1995-2001, and in the Beijing Platform for Action, the National Human Rights Commission, with a view to contributing to the full compliance by the Mexican State with its international obligations in this area, carried out a very detailed analysis of the principal federal regulations with a view to ascertaining whether they were in line with the provisions of the international instruments adopted and proposing any necessary amendments so that the legal equality of men and women could be transformed into real equality of opportunity for the development of both.

55. The results of the Commission's survey, which also included an analysis of state legislation, are in the process of publication and the proposals for legislative reform will be submitted to the appropriate authorities. It is important to emphasize the readiness of the Mexican State to analyse the proposal of the National Human Rights Commission, which constitutes an important and exhaustive diagnosis that will help to draw attention to those situations which require further analysis.

56. Through the Ministry of the Interior, which oversees the Section for the Executive Coordination of the National Programme for Women, a meeting was convened on 30 January 1997, within the context of the Alliance for Equality in the Framework of the New Federalism, for the purpose of analysing the degree of implementation of the Convention on the Elimination of All Forms of Discrimination against Women by the states of Campeche, Chiapas, Oaxaca, Tabasco, Quintana Roo and Yucatán. One of the topics discussed in this forum was the legal framework with regard to women in each of these parts of the Federation. Similar meetings were held in other states.

Information on the participation of women in Mexico's political and economic life

57. As indicated in previous reports by the Government of Mexico to the Human Rights Committee and to the Committee on the Elimination of Discrimination against Women, the right of women to participate in the political and public life of the country on equal terms with men is guaranteed in chapter I of the Constitution, which establishes the individual freedoms of all inhabitants of Mexico without distinction.

58. The demand for greater participation by women in political and economic activities has been intensified not only through the legal principles described above but also as a consequence of the nation's development, the

accelerated process of urbanization, the modernization of its economy, and the radical changes in its cultural and educational life. However, even though women constitute the majority of the Mexican population and their right to vote and be elected has been recognized for 40 years, they do not enjoy full political equality in terms of their participation in politics or in the country's political affairs.

59. In 1991, women constituted 54.1 per cent of the electorate. According to the poll-books for the latest federal election (August 1994), women constituted 51.6 per cent of the electorate and 51.8 per cent of the nominal list of voters; in other words, they constituted more than one half of the population in a position to determine to whom responsibility for taking decisions about Mexico's governance and future should be delegated. However, the number of women holding decision-making posts in executive, judicial and legislative circles, in businesses and in political parties and trade unions is still low.

Executive branch

60. The Executive Coordinating Office of PRONAM is compiling the administrative statistics available in government agencies in order to obtain a picture of the situation of women in this sector. To this end, it has requested 20 offices and 14 entities of the federal public administration to provide information concerning the appointment of women to posts at the middle and senior levels of management.

61. The data received by January 1997 show that of the 40,300 officials serving in the posts indicated, 34 per cent are women. The highly technical entities such as Petróleos Mexicanos (Mexican Petroleum) and the Federal Electricity Commission have the smallest number of women in such posts (6.2 and 3.8 per cent respectively); the Ministry of Defence has only 5.4 per cent, one of them a general. In contrast, the bodies with the highest number of women are the National Human Rights Commission (36 per cent), the Ministry of Education (31 per cent), the Office of the President of the Republic (27 per cent) and the Ministry of Health (27 per cent).

62. In order to obtain similar information concerning the participation of women in state and municipal administration, which is important in order to obtain a broader view in the national context, the state governments have been invited to carry out a similar exercise.

63. With regard to senior levels of management in public administration, it should be pointed out that from 1953 to date only 6 women have been Ministers of State (compared with more than 180 men) and 2 of them are currently in office.

64. In the Ministry of Foreign Affairs, there are 12 women ambassadors, 8 of them career ambassadors, including one currently on extended leave. In the diplomatic and consular branch of the Mexican foreign service there are 186 women and 603 men; in the administrative branch there are 340 women and 175 men.

Legislative branch

65. In the legislative branch, in the current fifty-sixth legislature for the period 1994-1997, out of a total of 628 seats occupied by deputies (500) and senators (128) 13.3 per cent are held by women. The number of female legislators has grown significantly compared with the previous legislature, partly as a result of an increase in the total number of seats in the two chambers. Thus, while there were three female senators and 42 female deputies in the fifty-fifth legislature, the current legislature has 17 female senators and 16 female deputies. All the congresses of Mexico's 31 states have women representatives.

66. The Assembly of the Federal District had 12 women members in 1988, and 14 in 1991. At present, 15 (or 22.7 per cent) of the 66 representatives are women.

Judicial branch

67. Women continue to play an active role in the judicial branch of the Federation, whose functions are performed by the Supreme Court of Justice, the collegiate circuit courts, the single-magistrate courts, and the higher and lower circuit courts.

68. The participation of women from 1980 to 1994 was higher than in other areas of the public sector: women comprised 20 per cent of the Supreme Court judges, 12 per cent of circuit court judges and 23 per cent of district magistrates. Of the current 11 Supreme Court judges, one is a woman. Altogether women occupy approximately 19 per cent of the senior posts in the judiciary.

State governments

69. Only three women have been state governors in Mexico. The proportion of women mayors or presidents of municipalities is very low, but has shown a slight increase: in 1991, 2 per cent of municipal presidents were women, but four years later the proportion had risen to 4.5 per cent. The states with the highest proportion of female municipal presidents in 1995 were: Baja California (25 per cent), Colima (20 per cent) and San Luis Potosí (14.3 per cent). In 1996, there were 83 female municipal presidents - or 3.7 per cent of the total - and 1,908 female councillors. In the Federal District, of the 16 municipalities 4 were headed by women.

Political parties

70. In the Chamber of Deputies, in the fifty-sixth legislature (1994-1997) the Partido de la Revolución Democrática (PRD) had the greatest percentage of women deputies, with 24.3 per cent. It is the party in which the ratio of male to female deputies is lowest; there is one female deputy to every three male deputies, compared with the Partido Revolucionario Institucional (PRI), which has one female legislator to every six male legislators, and the Partido Acción Nacional (PAN), where the ratio is 1 to 11. In the Senate, the PRI is the political party with the greatest female representation in the fifty-sixth legislature (1994-2000), not only in terms of numbers, but also

because the ratio of men to women is less unequal, with one female legislator to every six male legislators. In the case of the PAN, the ratio is 1 female legislator to every 12 male legislators.

71. In the Assembly of Representatives of the Federal District, the PAN has the greatest degree of female participation (28.6 per cent), compared with the PRI (23.7 per cent) and the PRD (20.0 per cent). In the near future it is hoped that there will be an increase in the number of women in posts elected by popular suffrage as a result of the addition of transitional article 22 to the Federal Code of Electoral Institutions and Procedures, referred to in the first section on article 3.

72. In respect of article 3 of the Covenant, the Government of Mexico requests the Committee also to consider the information contained in the third and fourth consolidated reports submitted by the Government under the Convention on the Elimination of All Forms of Discrimination against Women to the Committee on the Elimination of Discrimination against Women in April 1997.

Article 4 of the Covenant

Measures adopted between 1992 and 1996 amending the following questions relating to states of emergency in Mexico

Constitutional machinery whereby a state of emergency may be declared in Mexico and the powers vested in the executive during a state of emergency

73. Article 29 of the Constitution, as amended on 21 April 1981, provides as follows:

> "In the event of invasion, serious disturbance of public order or any other circumstances in which society is placed in serious danger or in conflict, only the President of the United Mexican States, with the agreement of the Ministers, heads of administrative departments and the Office of the Government Procurator, and with the approval of Congress or, if it is not in session, the Permanent Commission, may suspend throughout the country or in a particular place any guarantees that prevent the situation from rapidly and easily being brought under control. He may do so for only a limited period, by means of general measures not limited to a particular individual. If the suspension is ordered while Congress is in session, the latter shall grant such authorizations as it deems necessary to enable the executive to deal with the situation; if Congress is in recess, it shall be convened without delay in order to grant them."

Functions of the public authorities, the army and the police during a state of emergency

74. As mentioned above, the public authorities comprising the executive, the legislature and the judiciary are required to reach a consensus on the decision to declare the suspension of guarantees; the Executive must take the

decision with the agreement of the heads of the federal public administration and the approval of Congress or of the Permanent Commission when the former is in recess.

75. Article 129 of the Constitution lays down the functions of the army in peacetime, without specifically referring to its function when a state of emergency has been declared; the article states that "in peacetime no military authority may exercise any functions other than those directly connected with military discipline ...".

76. During the period under review (1992-1996), no state of emergency was declared in Mexico.

Article 5 of the Covenant

Application of this article and examination of whether it may in practice be misinterpreted or lead to an insoluble conflict with national legislation

77. In order to strengthen its institutions, Mexico has always sought to nurture and protect fundamental human rights; ever since the 1917 Constitution was promulgated, these rights have been regulated under the section relating to individual guarantees.

78. These guarantees may be invoked by any citizen who believes they have been infringed. In Mexico, which is a State governed by the rule of law, international human rights instruments such as the American Convention on Human Rights and the Covenant may be ratified on the basis of article 133 of the Constitution:

> "This Constitution, the laws adopted by Congress pursuant to the Constitution and any treaties that are in conformity with it and have been or may be concluded by the President of the Republic, with the approval of the Senate, shall be the supreme law of the Union. The judges in each state shall conform to the Constitution, laws and treaties, notwithstanding any provisions to the contrary in the constitutions or laws of the states."

Article 6 of the Covenant

Measures adopted to reduce the threat of war and the production and possession of weapons

79. Regarding efforts to avert the threat of war, in particular nuclear war, to strengthen international peace and security, and to prohibit the production, testing, possession, deployment and use of nuclear weapons, as indicated in its third periodic report submitted in 1992, Mexico has always advocated peace and the peaceful settlement of disputes, and has opposed armed conflict. This has been demonstrated by its active involvement in a number of conflict resolution mechanisms, particularly in the Central American region.

80. Mexico regulates questions relating to firearms, munitions and explosives through the Federal Firearms and Explosives Act and the relevant

regulations, which have been in force since 29 December 1971, with a number of amendments, the most recent of which was introduced by the decree dated 21 December 1995.

81. The Ministry of the Interior and the Ministry of Defence possess specialized departments dealing with all aspects of firearms and explosives. Both Ministries work in complete coordination in order to perform their tasks.

82. The President of the Republic alone is responsible for authorizing the establishment of arms factories and deals. Monitoring and supervision of industrial and commercial activities and operations relating to weapons, munitions, explosives, military devices and chemicals are the responsibility of the Ministry of Defence. The relevant provisions apply to any activities involving weapons, items and materials designated in the Federal Firearms and Explosives Act and its regulations.

83. The Act requires ad hoc inspections and monitoring of imports and exports of weapons, heavy armour and explosives, particularly as regards their transport and supervision, so as to ensure effective control over firearms and their accessories throughout the country.

84. The Act lays down the following penalties with the aim of reducing the production and possession of weapons:

(a) Anyone who stores weapons shall be liable to a penalty of 2 to 9 years' imprisonment or 5 to 30 years' imprisonment, depending on the weapons concerned; storing weapons means the possession of five or more weapons intended solely for the use of the army, navy or air force;

(b) Anyone who clandestinely imports weapons, munitions, explosives and materials intended solely for military use or subject to control under the terms of the Act shall be liable to 5 to 30 years' imprisonment;

(c) Any official or public servant whose functions require him to prevent the illegal import of weapons and who fails to do so shall be liable to two to six years' imprisonment, in addition to dismissal; if the weapons are intended solely for the use of the armed forces, the penalty shall be two to eight years' imprisonment;

(d) Persons who deal in weapons, munitions or explosives which are acquired without verification of their lawful origin or who manufacture or export these items without the relevant authorization, or arms dealers who sell, donate or exchange items of unlawful origin without authorization shall be liable to one to eight years' imprisonment;

(e) Anyone who, without authorization, purchases explosives and transports, handles, repairs, modifies or stores items covered by the Act shall be liable to a penalty of imprisonment for six months to six years;

(f) Anyone who operates factories, industrial plants, workshops, stores or other establishments engaging in activities regulated by the Act, without complying with the mandatory safety regulations, shall be liable to a

penalty of imprisonment for one month to two years; the same penalty shall be imposed on anyone who ships items covered by the Act and has them transported by unauthorized firms;

(g) Anyone who transports items covered by the Act or who sells such items to firms or individuals who do not possess the relevant authorization from the Ministry of Defence, either for their transport or for their purchase, shall be liable to a penalty of imprisonment for one month to two years.

Provisions and regulations governing the use of firearms by the police and security forces, violations of these provisions and regulations, penalties and control of abuse by public servants

85. The weapons of all branches of Mexico's armed forces are registered with the National Firearms Registry, which is controlled and regulated by the Ministry of Defence, in conformity with the Federal Firearms and Explosives Act.

86. Under article 10 of the Constitution, all Mexico's inhabitants are entitled to keep weapons in their home for their security and self-defence, with the exception of those weapons prohibited by the above-mentioned Act and its regulations, and of those whose use is restricted solely to the army, navy, air force and National Guard. The final part of this article stipulates that the Act shall determine the circumstances, conditions, requirements and places in which inhabitants may be authorized to bear weapons.

87. Persons who possess one or more of the weapons prescribed in article 4 of the Act and its regulations are required to register them with the Ministry of Defence, which exercises control over all weapons in Mexico.

88. Article 10 of the Act enumerates those weapons that may be kept at home and used, with the relevant permit, for sporting and hunting purposes. The same article lists those weapons whose use is restricted to the army, navy or air force, and which persons employed by or occupying positions in the Federation, Federal District, states or municipalities may be authorized to use either individually or collectively.

89. In order to bear weapons a permit issued by the Ministry of Defence and/or the Ministry of the Interior is required. A decision to withdraw the permit does not need to be substantiated and the law authorizes the cancellation of weapon permits whenever this is deemed necessary.

Measures taken to increase life expectancy by reducing infant mortality, and eliminating malnutrition and epidemics, and to prevent environmental pollution

90. Through the National Health System, the Government of Mexico has implemented a variety of programmes and campaigns to increase the life expectancy of Mexicans by reducing infant mortality and eliminating malnutrition and epidemics. In October 1995, the National Action Committee for Children, which was set up to implement the Declaration and Plan of Action signed at the 1990 World Summit for Children, published the National Programme

of Action for children 1995-2000, whose central aim is to improve the survival, protection and development of children and mothers.

91. The overall goals of the Programme, in line with the reduction of infant mortality and elimination of malnutrition and epidemics, are as follows:

To halve the mortality rate among children aged under 1 and children aged under 5 between 1990 and 2000;

To halve the maternal mortality rate between 1990 and 2000;

To halve the rate of serious and moderate malnutrition among children aged under 5 between 1990 and 2000;

To provide universal access to drinking water and sanitary disposal of excreta.

92. The main objectives and subsidiary goals of the Programme are as follows:

(a) Women's health and education

Special attention to the health and nutrition of young girls, pregnant women and nursing mothers;

Access for all couples to information and services to avert pregnancies that are too early, too closely spaced, too late or too numerous;

Access for all pregnant women to antenatal care, to assistance by trained personnel at childbirth, and to consultancy services in the case of high-risk pregnancy and obstetric emergency.

(b) Nutrition

To reduce by 50 per cent the levels of serious and moderate malnutrition recorded among children aged under five in 1990;

To reduce the rate of low birth weight (2.5 kilograms or less) to less than 10 per cent of births;

One-third reduction in the levels of iron-deficiency anaemia recorded among women in 1990;

Virtual elimination of iodine deficiency disorders;

Virtual elimination of vitamin A deficiency and its consequences, including blindness;

Persuading all mothers to breastfeed their children for the first four to six months, and to continue breastfeeding with food supplements, until the child is well into its second year;

Institutionalization of efforts to promote child growth and its periodic monitoring;

Providing information and support services to increase food production and guarantee family food security.

(c) Child health

Eradication of poliomyelitis by the year 2000;

Elimination of neonatal tetanus by 1995;

95 per cent reduction in deaths from measles and 90 per cent reduction in cases of measles by 1995;

High level of vaccination coverage (at least 90 per cent), among children aged under 1 against diphtheria, whooping cough, tetanus, measles, poliomyelitis and tuberculosis, and against tetanus among women of childbearing age, by the year 2000;

50 per cent reduction in the number of deaths from diarrhoea recorded in 1994 among children under 5 and 25 per cent reduction in the incidence of diarrhoea;

One-third reduction in the number of deaths from acute respiratory infections recorded among children aged under 5 in 1994.

(d) Water and sanitation

Universal access to drinking water;

Universal access to sanitary disposal of excreta.

93. In order to attain these objectives and goals, the Programme has laid down the following guidelines for action, focusing on reducing mortality, malnutrition and epidemics.

Prevention and control of vaccination-preventable diseases

94. The Universal Vaccination Programme (PVU) was set up in conformity with the commitments made by Mexico at the World Summit for Children. In January 1991, the National Vaccination Council (CONAVA) was established by presidential decree as a coordinating and consultancy agency to promote, support and coordinate activities under the Programme. For the first time, the Programme integrates all the institutions of the National Health System through the introduction of a programme with common objectives, goals, strategies and procedures. The vaccinations included in the PVU are those of the World Health Organization's Expanded Programme on Immunization (EPI): oral polio virus vaccine, DPT, BCG, measles and tetanus.

95. Generally speaking, the levels of coverage achieved since October 1992 among children aged from 1 to 4 have been higher than 95 per cent for each of the biologicals and 94 per cent for the complete eight-dose scheme; however,

among children aged under 1, the levels were lower. The levels attained by the PVU, and their epidemiological impact may be described as historic as poliomyelitis was eradicated in 1990 and diphtheria in 1991, while the other vaccination-preventable diseases have declined markedly since 1990, even though a certain percentage of the population is still exposed to whooping cough, tetanus, measles and meningitic-tuberculosis, a situation which has led to redoubled efforts to achieve the objectives set by the Government for the year 2000.

96. For epidemiological and financial reasons, CONAVA has decided that it was both desirable and feasible to introduce into PVU in the short term vaccinations to prevent invasive infections by haemophilus influenzae type B and cases of rubella, mumps and hepatitis B.

Prevention and control of diarrhoeal diseases and acute respiratory infections

97. Two other diseases responsible for high rates of infant mortality in Mexico are diarrhoeal diseases and acute respiratory infections (ARIs), particularly among children aged under 5. They are responsible on average for two and four episodes respectively per year, which directly affect nutritional status and have repercussions on the growth and development of children, as well as increasing health expenditure.

98. Consequently, since 1984, the National Programme for Prevention and Control of Diarrhoeal Diseases has been implemented, and led to a marked decline in the number of hospital beds occupied by persons with such diseases, in venocclusive complications in the cost of treatment and in child deaths. Similarly, the National Programme for Prevention and Control of Acute Respiratory Infections has been under way since 1989; it facilitates the early detection of severe and serious patterns, and also the adoption of effective treatment for ARIs in order to reduce mortality from these diseases.

Nutritional status

99. In recent years, the National Health System has been implementing measures to improve the nutritional status of mothers and children, for example by monitoring the nutrition, growth and development of children aged under 5 through the provision of comprehensive health services, food assistance for risk groups, guidance and education for mothers in preventing risks and damage to health and promoting the increased availability of food in the family and the community.

100. Coordination with other sectors, and principally the education sector, has been enhanced, making it possible to include children of pre-school age in nutritional monitoring. Registration systems have been set up and improved, with the result that we are able to keep closer track of the situation.

101. The Government has also made progress in combating malnutrition among the population by monitoring the growth and development of children by age groups, preventing iodine-deficiency disorders, preventing vitamin A-deficiency disorders, and providing food and nutritional guidance and food assistance.

102. Tables are appended showing the reductions in the rates of infant and pre-school mortality, by cause, between 1990 and 1993, and Mexico's new basic vaccination programme (annexes II and III).

103. Preventing environmental pollution has been another concern of the Government and was already embodied in article 27 of the 1917 Constitution, which laid the foundations for developing an environmental policy by subordinating the use of natural resources to the national interest. However, Mexico's environmental policy dates back barely two decades, to the establishment in the 1970s of the Under-Secretariat for Environmental Protection, under the aegis of the Ministry of Health and Welfare, the legal basis for which is provided by the 1971 Federal Act to Prevent and Control Environmental Pollution.

104. The major stride towards consolidation of the Government's environmental measures, which acquired legitimacy when the need for a strategy to tackle environmental deterioration and to improve the environmental aspect of development was recognized, was taken in 1994 with the establishment of the Ministry of the Environment, Natural Resources and Fisheries.

105. With the establishment of this Ministry, the present Government has made an effort to consolidate the environmental protection and natural resources functions which were spread among various ministries; the Ministry thus fulfils an integrating function and is responsible for the orderly exploitation of natural resources and for environmental protection, specifically oriented towards sustainable development.

106. Atmospheric pollution is a virtually universal problem in Mexico's major cities, although it has reached the most critical levels in the metropolitan area of the Mexico Valley, where the Federal District is located. In recent years a number of measures have been introduced in the Federal District to halt the deterioration in air quality, with positive results as in the case of the new grades of petrol sold in Mexico, which now satisfy international standards, are unleaded and comprise maximum limits on alkene, aromatic and benzene content and vapour pressure. As a result, the upward trend in atmospheric pollutants such as lead, sulphur dioxide and total suspended particulates has been brought under control.

Measures in force to prevent any arbitrary deprivation of life and to punish those responsible should this occur, including both ordinary laws and special laws governing acts such as those committed by terrorists

107. In conformity with the Government's commitment to respect and protect human rights, Mexican legislation provides for a number of measures to prevent any arbitrary deprivation of life and to punish those guilty of terrorist acts. This is demonstrated by the classification of the unlawful actions and elements constituting this offence, contained in the following provisions:

Criminal Code for the Federal District

Article 139

"Anyone who, by the use of explosives, toxic substances or firearms or by arson, flooding or any other violent means, perpetrates acts against persons, property or public services which result in alarm, fear or terror among the population or among a sector of the population, for the purpose of disturbing public order, attempting to undermine State authority or bringing pressure to bear on the authorities to take a particular decision, shall be liable to a penalty of 2 to 40 years' imprisonment and a fine of up to 50,000 pesos, without prejudice to the penalties laid down for the resulting offences.

Anyone who, being aware of the activities of a terrorist and of his identity, fails to inform the authorities shall be liable to a penalty of one to nine years' imprisonment and a fine of up to 10,000 pesos."

Provisions in force to compensate the victims of these unlawful activities whether committed by public officials or by private individuals

108. These provisions are contained in the:

Criminal Code for the Federal District

Article 30

"Redress for the damage shall comprise:

I. Restitution of the item obtained by means of the offence and, should this be impossible, payment of its cost;

II. Compensation for the material and moral injury caused, including payment for any treatment which, as a result of the offence, is needed in order to restore the victim's health; and

III. Payment for the damage caused."

Article 30 bis

"The following persons shall be entitled, in the following order, to compensation for damage: 1. The victim, his or her surviving spouse or common law spouse and their minor children; in the absence of these persons, other relatives in the descending and ascending lines who were financially dependent on the victim at the time of his decease ...".

Article 31

"The compensation shall be set by the court, on the basis of the damage requiring compensation, and in conformity with the evidence obtained in the trial."

Article 31 bis

"In all criminal proceedings the Public Prosecutor's Office shall be obliged to ask where appropriate, for a sentence relating to a compensation for damage, and the judge shall be obliged to take the appropriate decision.

Any person failing to comply with this provision shall be liable to a fine of from 30 to 50 days' minimum wage."

Article 32

"The following persons shall be obliged to provide compensation for the damage under the terms of article 29:

I. Relatives in the ascending line, in respect of offences committed by their descendants who are under their parental authority;

II. Guardians, in respect of offences committed by disabled persons under their authority;

III. Directors of boarding establishments or workshops for students or apprentices aged under 16, in respect of offences committed by them while they are under their care;

IV. The owners of enterprises or persons responsible for businesses or commercial establishments of any kind, in respect of offences committed by their workers, day labourers, employees, domestic servants and craftsmen in connection with or in the course of the performance of their service;

V. Firms or groups of firms, in respect of offences committed by their partners or managers, under the same terms as their legal responsibility for any other commitments entered into by their partners or managers.

This rule shall not apply to the marital union since in all cases, each spouse is responsible for providing compensation with his own assets for any damage he or she may cause; or to

The State, jointly and severally in respect of wilful wrongs committed by its public servants in the discharge of their duties, and secondarily if the wrongs were culpable."

Article 33

"The obligation to pay the financial penalty shall take precedence over any other obligations entered into after the offence, with the exception of those relating to maintenance and employment relations."

Article 34

"Compensation for the damage caused by the offence and for which the offender is liable shall be in the nature of a public penalty and shall be required ex officio by the Public Prosecutor's Office. Victims or their rightful claimants may submit to the Public Prosecutor's Office or to the judge, if appropriate, any data and evidence in their possession to demonstrate the origin and amount of such compensation, in conformity with the terms laid down by the Code of Criminal Procedure.

Failure by the authorities to perform the obligation referred to in the previous paragraph shall entail the imposition of a penalty of 30 to 40 days' minimum wage.

If an application has to be made to a third party for the compensation, it shall constitute a civil liability and shall be dealt with as an interlocutory matter, in conformity with the terms of the Code of Criminal Procedure.

Anyone who considers that he is entitled to compensation for damage and is unable to obtain it from the criminal court through failure by the Public Prosecutor's Office to bring an action, dismissal of the proceedings or acquittal may bring a civil action, in conformity with the relevant legislation."

...

Article 37

"Compensation for damage shall be enforced in the same manner as a fine. Once the sentence ordering such compensation becomes executory, the court which handed it down shall immediately transmit a certified copy to the appropriate tax authorities, which shall, within three days of receiving the copy, initiate recovery proceedings in respect of the obligor's finances and assets, and shall accordingly notify the person in whose favour the order was issued, or his legal representative."

Article 38

"If the person responsible for paying compensation does not have the means to do so or if the proceeds of his work in prison are insufficient therefor, he shall continue to be bound after his release to pay the outstanding amount."

Article 39

"The court may, on the basis of the amount of the damage and the obligor's financial situation, set a term for the payment of the compensation, which shall not exceed one year in all; if deemed appropriate, security may be required."

Code of Criminal Procedure of the Federal District

Article 489 (para. 1)

"A suit for compensation for damage against persons other than the accused shall, in conformity with article 32 of the Criminal Code, be brought by whosoever is entitled to do so before the court hearing the criminal case; however, the suit shall be instituted and conducted before the ordinary courts, through the relevant proceedings, once an irrevocable sentence has been handed down in the criminal proceedings without any such suit having been brought, provided the plaintiff is a private individual. This provision shall also apply when, once the examination proceedings have been concluded, criminal proceedings are not instituted because of failure by the Public Prosecutor's Office to bring charges and a civil action is subsequently brought."

Article 490

"In the absence of a specific provision in this Code, in interlocutory matters relating to compensation for damage claimable from a person other than the accused, the Federal Code of Civil Procedure shall apply as residuary law, as appropriate or as determined by law. These matters shall be dealt with separately. Notice shall be served in the manner set forth in Title 1, Chapter XII, of this Code."

...

Article 493

"Any protective orders that may be sought by the obligee shall be governed by the provisions of the Federal Code of Civil Procedure, without prejudice to such powers as the law vests in the tax authorities to secure their interests."

Federal Judiciary (Organization) Act

Article 37

"Subject to the reservations referred to in articles 10 and 21 of this Act, the collegiate circuit courts are competent to hear:

I. Direct amparo proceedings against final judgements, awards or decisions terminating the proceedings owing to violations committed in them or after the proceedings, in the case of:

(a) In criminal matters, judgements or decisions handed down by ordinary or federal courts, interlocutory judgements or decisions on compensation for damage payable by persons other than the accused, judgements or decisions on civil liability cases handed down by the same courts conducting or having conducted the relevant trials or by various courts, in civil liability cases when the suit is based on the

commission of the offence in question, and judgements or decisions handed down by military courts, regardless of the penalties imposed."

...

Article 51

"District amparo criminal courts shall hear:

II. Amparo proceedings brought in conformity with article 107, section VII, of the Mexican Constitution, in cases in which such proceedings are admissible against interlocutory decisions on compensation for damage payable by persons other than the accused or in civil liability cases handed down, by the same courts conducting or having conducted the relevant trials or by various courts, in civil liability cases, when the suit is based on the commission of an offence."

Impediments

Article 146

"The judges of the Supreme Court of Justice, circuit judges, district court judges, members of the Federal Council of justice and members of juries shall be barred from hearing cases in the following circumstances:

I. If they are direct relatives, without limitation of degree ... ."

Article 147

"For the purposes of the previous article, in criminal matters the interested parties shall be deemed to include the accused or the person entitled to compensation for damage or to civil liability."

Federal Labour Act

The Federal Labour Act lays down the following forms and amounts of compensation:

Article 501

"The following shall be entitled to receive compensation in case of death:

I. The widow, or the widower who was financially dependent on the female worker and who suffers from at least 50 per cent incapacity for work, and any children aged under 16 or over 16 if they suffer from at least 50 per cent incapacity for work;

II. Relatives in the ascending line shall share compensation with the persons mentioned in the previous section, unless it is demonstrated that they were not financially dependent on the worker;

III. If there is no surviving spouse, the compensation shall be shared with the persons mentioned in the two previous paragraphs by the person with whom the worker had been living in a marital state for the five years immediately preceding his death, and with whom he had children, provided both of them had been unmarried prior to the period of their consensual union;

IV. In the absence of a surviving spouse, children or relatives in the ascending line, the persons who were financially dependent on the worker shall share compensation with anyone who satisfies the requirements set forth in the previous section, in proportion to each person's dependence on the worker; and

V. In the absence of any of the persons indicated in the previous sections, the Mexican Social Security Institute."

Article 502

"In the case of a worker's death, the compensation to which the persons referred to in the previous article are entitled shall be an amount equivalent to the value of 730 days' wages gross of any compensation received by the worker while he was temporarily incapacitated for work."

...

Article 492

"If the accident results in permanent partial incapacity for the worker, the compensation shall consist of payment of the appropriate percentage set in the incapacity assessment table, calculated on the basis of the amount due if the incapacity had been total and permanent. The percentage adopted shall be the appropriate percentage between the maximum and minimum amounts, taking into account the worker's age, degree of incapacity, and greater or lesser ability to engage in gainful activities similar to those of his trade or profession. Consideration shall also be given to whether the employer has concerned himself with the worker's vocational retraining."

Article 495

"If the accident results in permanent total incapacity, compensation shall be of an amount equal to the value of 1,095 days' wages."

...

Article 483

"Compensation for industrial accidents that cause incapacity shall be paid directly to the worker."

Article 484

"The basis for determining the amounts of compensation referred to under this Title shall be the daily wage received by the worker when the accident occurred and any subsequent increases for the job he was performing, until the degree of incapacity has been determined, the wage in force on the date of his decease or the wage he was receiving when he left the undertaking."

...

Article 486

"In order to determine the compensation referred to in this Title, if the wage received by the worker is more than twice the minimum wage for the geographical area of his place of work, this amount shall be taken as a maximum wage. If he works in different geographical areas, the maximum wage shall be twice the average of the respective minimum wages."

...

Article 89

"The basis for determining the amount of compensation due to workers shall be the wage in force on the day the right to compensation originates, and shall include the basic daily wage and the proportional share of the benefits referred to in article 84.

If the worker was on piece-rate and, in general, if his wages are variable, the average wage received for the previous 30 days actually worked before the right originated shall be taken as the daily wage. If a wage increase occurred during this period, the average wage received by the worker since the date of the increase shall be taken as the basis.

If the wage is determined on a weekly or monthly basis, it shall be divided by 7 or 30, as appropriate, to determine the daily wage."

...

Article 84

"The wage comprises the cash payments for the basic daily wage, bonuses and allowances, housing benefits, commissions, benefits in kind and any other amount or benefit which the worker receives for his labour."

...

Article 132

"The employers' obligations are as follows:

II. To pay workers wages and compensation, in conformity with the regulations in force in the undertaking or establishment."

Article 514 sets out the table of assessment of types of permanent incapacity and the relevant percentages of losses.

Measures taken to prevent forced or involuntary disappearances, and the procedures laid down and followed to effectively investigate complaints relating to disappeared persons, especially when the security forces or other official bodies are alleged to be involved

109. The objective of the National Human Rights Commission's programme relating to persons presumed disappeared is to locate persons reported by different agencies or individuals as having disappeared, in cases where the involvement of a public authority or servant is suspected.

110. As soon as the programme was established in 1990, the Commission carried out a study to consider the introduction of the offence of enforced disappearance into the statutory codes of the various states and the Federation. The study was submitted to representatives of the executive and the Senate for discussion and approval.

111. It should be noted that the Commission cooperates directly with the Working Group on Enforced or Involuntary Disappearances (subordinate to the United Nations Commission on Human Rights), to which nine reports have been submitted containing specific references to the decisions communicated by the Working Group and the activities undertaken by the Commission in the area of alleged disappearances.

112. We should like to inform the Human Rights Committee that, in order to attain its objectives, since the Programme was established 770 visits have been made to Mexico's various states and 7,612 investigations carried out. An average of two investigators take part in each visit, which lasts approximately five days. A variety of investigations are carried out, including interviews and the taking of statements from relatives, witnesses and public servants, requests for information from various public and private bodies, archival research and criminological and anthropological reports. The results of the investigations are recorded in the relevant files, and publicly authenticated by the designated visitors of the National Human Rights Commission.

113. A total of 140 cases have been resolved; 102 persons were found alive and 38 dead, or there was evidence that they had died. In this connection, the Commission has resolved 33 of the cases transmitted by the Working Group. In addition, between January 1992 and December 1996, the Commission issued six recommendations concerning the programme relating to persons presumed disappeared.

The current situation in Mexico regarding initiatives and plans concerning the death penalty

114. As part of its task of safeguarding the human rights of Mexicans, the National Human Rights Commission is particularly concerned to safeguard the right to life, and especially the lives of Mexican citizens sentenced to death in the United States of America. Its position, contrary to that of persons who call for the imposition of capital punishment in Mexico as a means of tackling crime, is based on the belief that the deterrent effect of criminal law depends not on the seriousness of the punishment, but on efforts to combat impunity.

115. The Commission coordinates its work in defence of Mexican citizens facing the death penalty abroad with the Ministry of Foreign Affairs.

116. The Commission has drawn up a proposal to reform article 22 of the Mexican Constitution by abolishing the death penalty. The proposal has been submitted to the members of the human rights commissions of the Chambers of Deputies and Senators for acceptance adoption.

117. In addition, in conjunction with other institutions the Commission organized a conference on the "Present state of the debate on the death penalty" and an international symposium on "the death penalty: a multidisciplinary approach"; the report on the latter was subsequently published (annex IV).

Crimes that carry the death penalty and its application in practice

118. Article 22, paragraph 3, of the Constitution states:

> "The death penalty shall be prohibited for political offences; where other offences are concerned, it may be imposed only on persons who betray their country in time of foreign war, parricides, persons who commit homicide with malice aforethought or premeditation or for gain, arsonists, kidnappers, highway robbers, pirates and persons convicted of serious offences of a military nature."

119. It should be mentioned that Mexican legislation provides for the death penalty in the case of certain other offences, although in practice it is not carried out. The death penalty is not provided for by the criminal codes of any of the states, where it remains in force solely under military law.

The Government of Mexico's position with regard to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and the possibility of its ratification

120. On several occasions the Mexican Government has stated, through the Ministry of Foreign Affairs, that the possibility of ratifying this Protocol, together with other international human rights instruments, is being examined even though the death penalty is still provided for in the Constitution.

121. Article 22, paragraph 3, of the Constitution prohibits the death penalty for persons guilty of political offences; this principle is commonly accepted by all the world's modern liberal constitutions. However, the article also restrictively determines those cases in which the death penalty may be applied, and which include particularly serious offences that throughout history have been considered to constitute violations of the most fundamental social and individual assets and values.

Article 7 of the Covenant

Status of the prohibition of torture and of inhuman treatment in Mexican legislation

122. Specific information:

The definition of torture and its classification as an offence;

Penalties laid down by criminal and administrative law;

The validity of statements and confessions obtained under torture;

The type of compensation provided for by law for victims.

123. Under Mexican legislation and in strict conformity with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 3 of the Federal Act to Prevent and Punish Torture provides as follows:

> "The offence of torture is committed by a public official who, by virtue of his office, inflicts on another person severe pain or suffering, whether physical or mental, for the purpose of obtaining from him or a third person information or a confession, punishing him for an act he has committed, or compelling him to carry out or to refrain from carrying out a particular act."

124. Torture is classified as a serious offence and carries a sentence of from 3 to 12 years' imprisonment, a fine of 200 to 500 days and disqualification from any public office, post or assignment for a period of up to twice the length of the custodial penalty imposed.

125. Under articles 8 and 9 of the Federal Act no confession or information obtained through torture may be used as evidence; the same applies to any confession made before the police, the Public Prosecutor or a judge in the absence of the accused's counsel or a person whom he trusts and, if appropriate, his translator.

126. The Federal Act is supplemented by criminal case law relating to confessions obtained through torture:

> In accordance with the decision taken unanimously by the First Collegiate Court of the Sixth Circuit in amparo case No. 36/94 on

14 April 1994, a confession obtained under duress is one made by a detained person that fails to satisfy the requirements of article 16 of the Constitution.

If a person is detained in a manner that violates the requirements of article 16 of the Constitution, any statement made by him admitting his guilt may not be admitted as evidence since it was obtained under duress; acceptance of such a confession would negate the constitutional safeguard contained in this article.

In accordance with the decision taken unanimously by the Collegiate Court of the Twentieth Circuit in direct amparo case No. 279/89 on 30 May 1990, a confession obtained through physical duress is one obtained in the following circumstances:

> "If a person is arbitrarily detained, taken from his home and held in solitary confinement, he shall be deemed to have been subjected to physical duress; consequently, any confession he makes may not be admitted as evidence since it was made neither spontaneously nor in conformity with the law."

According to the Gaceta del Semanario Judicial de la Federación, 8th period, No. 74, February 1994, thesis II.3.J/67, page 53, a confession alone may not be admitted as evidence if the accused was detained for five days or more without being brought before the competent judge, since he shall be deemed to have been subjected to mental duress in making his statement.

> "If the accused person was detained for five days or more in the hands of the police without being brought before the examining magistrate, notwithstanding the violation of the Constitution thereby committed, he is necessarily subjected to mental duress which undermines his mental ability to make a statement in complete freedom and any confession made by him to the Public Prosecutor's Office, which is in charge of the Judicial Police, shall automatically be considered invalid."

On 27 January 1994, the First Collegiate Court of the Twenty-first Circuit took the following majority decision in direct amparo case No. 329/93 regarding an invalid confession and extended detention of the complainant and his co-detainees.

> "If the complainant is incriminated by his confession and by the statements of co-detainees and if all this evidence is influenced by mental duress, reflected in detention for 12 days, there is no doubt that the evidence may not constitute a valid basis for attributing criminal liability."

127. Where the form of compensation for victims is concerned, article 10 of the Federal Act stipulates that a person guilty of any of the offences covered by the Act shall be required to defray the cost of legal advice, medical and funeral expenses, rehabilitation or any other expenses incurred by the victim or his relatives as a result of the offence. He shall also be required to

provide redress for the damage caused and to compensate the victim or his dependants for the injury suffered as a result of any of the following:

(i) Loss of life;

(ii) Impairment of health;

(iii) Loss of freedom;

(iv) Loss of earnings;

(v) Incapacity for work;

(vi) Loss of, or damage to, property;

(vii) Impairment of reputation.

In determining the relevant amounts, the court shall take account of the extent of the injury caused.

Legislation in force in relation to cruel, inhuman or degrading treatment or punishment and practice followed in the treatment of detainees

128. Measures to prevent the ill-treatment of persons who, for whatever reason, are held subject to judicial proceedings are governed by article 20, paragraph II, and 22, first paragraph, of the Constitution:

Article 20

"In all criminal proceedings, the accused shall enjoy the following guarantees:

...

"II. He may not be compelled to make a statement. Any solitary confinement, intimidation or torture is prohibited and shall be punished under the criminal law. A confession made before any authority other than the Public Prosecutor or the judge, or made before them without the assistance of counsel may not be admitted as evidence."

...

Article 22

"Punishments by mutilation and public humiliation, branding, flogging, beating, torture of any kind, excessive fines, confiscation of property or any other or unusual or inordinate penalties are prohibited."

129. Article 225, paragraph XII, of the Criminal Code classifies the following as offences against the administration of justice committed by public servants:

"XII. Compelling the accused to make a statement, using solitary confinement, intimidation or torture ...".

130. In addition to the constitutional provisions against cruel, inhuman or degrading punishment, article 4 of the Federal Act to Prevent and Punish Torture, which is applicable throughout the country in respect of federal offences and in the Federal District in respect of ordinary offences, states:

Article 4

"Anyone committing the offence of torture shall be liable to 3 to 12 years' imprisonment, 200 to 500 days' fine and disqualification from any public office, post or assignment for a period of up to twice the length of the custodial penalty imposed ...".

Statistics relating to complaints of torture or ill-treatment between 1992 and 1996, investigations and outcome of complaints of torture, imposition of penalties

131. The elimination of torture has been one of the primary objectives of the Mexican Government, and in particular of the work of the National Human Rights Commission. Thus, even since the Commission was established, substantial progress has been made, but it has so far not been possible completely to eradicate these utterly reprehensible acts which are characterized by disregard for human dignity.

132. Lastly, it should be mentioned that during the first three months of this year, the Commission classified 19 complaints of torture, of which two were returned to the complainant as they concerned matters within the jurisdiction of a State human rights agency and two were returned for concurrence of proceedings.

133. During the six and a half years of the Commission's existence and as a result of its recommendations and efforts at reconciliation referred to above, a total of 2,567 public servants have been punished: 1,173 federal public servants, 1,330 State public servants and 64 municipal public servants.

134. Also in connection with article 7 of the Covenant, the Government of Mexico requests the Human Rights Committee also to consider the information contained in its third periodic report submitted under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the Committee against Torture in July 1996 and presented before the Committee on 30 April 1997 (see CAT/C/34/Add.2 of 27 November 1996).

Treatment of detainees

135. Information on the laws relating to, and practices followed in the treatment of, prisoners in Mexico is to be found in the section of this report relating to article 10 of the Covenant.

Measures adopted to train law enforcement officials and prison warders

136. National Human Rights Commission: In order to strengthen the human rights culture, the National Human Rights Commission (CNDH) provides regular training for various security bodies and for the armed forces. Its training programmes are primarily intended for federal public servants within the CNDH's area of competence; however, as part of its work in preventing abuses and promoting a human rights culture, the CNDH has also been training municipal and State officers, in conjunction with the respective State commissions and with the participation of universities and non-governmental organizations.

137. Training programmes are currently focused on the following public or national security bodies: police trainees, Preventive and Municipal Police officers on active duty, State Judicial Police officers and officials of the Public Prosecutor's Offices for ordinary offences, warders, migration officers, federal highway police, staff of the Office of the Attorney General of the Republic: administrative staff, federal Judicial Police and officials of the Federal Public Prosecutor's Office.

138. Police academy: An awareness-raising campaign has begun and will be aimed at all police officers in all State and federal forces. A pilot programme begun at the Police Academy of the State of Aguascalientes uses a training model which not only incorporates the subject of human rights within the curriculum, but relates all subjects taught to the human rights culture.

139. For example, security techniques require not only a knowledge of techniques for subduing and handling individuals and groups, weapons handling and physical training, but also a knowledge of the scope of the use of force in terms of time, technique and proportionality. These techniques must be learned concurrently with the other police techniques, and not as an academic subject having nothing to do with practical reality.

140. Prior to the current programme, the CNDH had prepared a "Police handbook" and a booklet, which were widely distributed among the various police forces.

141. Municipal Police and Preventive Police: Preventive and Municipal Police officers on active duty have begun receiving training in several states; the goal is to familiarize them with the basic principles of respect for human rights and to make them aware of the boundaries within which they must operate.

142. State Judicial Police officers: During the period covered by this report, training programmes have been conducted in cooperation with the State human rights commissions and the Government Procurator's Offices in the states of Hidalgo, Oaxaca, San Luis Potosí, Chihuahua, Tamaulipas and the Federal District. Programmes are also due to begin in the states of Veracruz, Yucatán and Quintana Roo. Three hundred and forty-two officers from the Public Prosecutor's Office and 693 Judicial Police officers were trained. Basic training focuses on the use of force and the problem of arbitrary detention, and also correct procedures for performing police duties.

143. Warders: The training of warders in various states has resumed under the theme "Human Rights in the CERESO" (Social Rehabilitation Centre), using basic questions such as "How are my rights violated within the CERESO?" and "In what way might I violate prisoners' rights?" This programme has received strong support from non-governmental organizations and the prisons themselves, and has also dealt with the specific problems of indigenous persons and the situation of women in prison. Training courses are also due to begin shortly at the Islas Marías penal colony.

144. Migration officers: Training of migration officers now includes a new programme as a result of a report published by the CNDH in April 1995, "Southern border: report on violations of immigrants' human rights. Training was given to 102 migration officers in the towns of Tapachula and Comitán in the State of Chiapas, bringing to 230 the number of officers trained in the states of Chiapas, Veracruz, Tabasco and Oaxaca.

145. In addition to being based on the findings and suggestions of the above-mentioned study, the training process was aimed at identifying the fundamental rights which migration officers must protect in the proper performance of their duties. It was also aimed at providing sufficient material for preparing a pamphlet to inform people without papers in Mexico of their rights and of the fact that they are entitled to receive decent treatment on Mexican territory. The pamphlet has been widely distributed in conjunction with the National Institute for Migration.

146. Federal Highway Police: A Federal Highway Police training programme began in the State of Nayarit with a workshop in which nearly 800 officers took part; one awareness-raising session has been held, comprising two themes: the dignity with which police officers should be treated as subjects of human rights, and the dignity with which they in turn must treat the public in order to meet the basic goal of respect for human rights.

147. Federal Judicial Police Officers: An awareness-raising programme has been completed, covering 1,975 staff of the Office of the Attorney-General of the Republic throughout the country, distributed as follows:

579 Federal Officers of the Public Prosecutor's Office;

746 Federal Judicial Police Officers; and

650 Administrative staff.

148. This training has been provided for serving staff at the various branches or offices where they work. The initial awareness-raising stage focused on three basic rights: life, dignity and liberty. Each right was analysed from two standpoints: that of public servants as subjects of law, and that of their dealings with the public when performing their duties as Federal Judicial Police officers.

149. Each session sought to harmonize the criteria for defining these basic principles and the system of ethics on which they are based, as well as their legal aspects and consequences, in order to rectify the lack of information

relating specifically to questions such as torture, arbitrary detentions, use of firearms, and national and international legislation in force in Mexico.

150. Similarly, in response to requests by the public servants themselves, publications and information on human rights and topics requiring special attention have been distributed to all state branches of the Office of the Attorney-General of the Republic. Seminars have been conducted with the participation of the CNDH and the Training Institute of the Attorney-General's Office.

151. Advanced Military Training College: The CNDH has initiated courses in human rights in the training programmes of the Armed Forces Command and the Mexican Air Force, for senior and teaching staff as well as special courses for the Advanced Military Training College, for senior officers of the Mexican army and foreign fellowship-holders.

152. Course material includes an analysis of philosophical and ethical schools of thought, a chronology of the conceptual and legal development of human rights throughout the world, Mexican constitutional theory and international law, Mexican military legislation and humanitarian law, and the human rights instruments, with special emphasis on the institution of the Ombudsman and the procedures of the CNDH. Four hundred and forty senior officers took part in these courses in 1995.

153. To fulfil its goal of promoting the human rights of persons held in prison establishments, the CNDH has published the following:

Proposal and report on the Mexican prison system (1992);

Prison instructors' handbook (1992);

Security, supervision and custody manual (1992);

Draft model prison regulations (1992);

Model organizational and operational handbook for the Interdisciplinary Technical Councils (1992);

"Prisión aún" (1993);

Prison supervision: findings and benefits (1993);

The struggle for human rights in the Mexican prison system (1993);

The reality of Mexican prisons (1993);

Security and custody instruction manual (1993);

Comparative study of alternatives to prison sentences in the various states (1993);

What is prison supervision? (pamphlet, 1993);

Criteria for classifying the prison population (1994);

Guide for obtaining the benefits of freedom (pamphlet, 1994);

Prison inspections. Guidelines for protection of the person and possessions of prisoners, visitors and workers (leaflet, 1995);

Human rights and the imposition of punishment in prisons (leaflet, 1995);

The competence of the National Human Rights Commission in Mexican prisons (leaflet, 1995);

Rights and obligations of security staff and warders (leaflet, 1995).

Manual on the human rights of prisoners in the Mexican prison system (1995);

Compendium of national and international documents relating to prisons (1996);

Prison system and human rights. Evaluation of the work of the CNDH (1990-1996);

Violence in Mexican prisons. Investigative report (1996).

154. Office of the Attorney-General of the Republic: The Office of the Attorney-General of the Republic has conducted various in-house activities aimed at the dissemination, teaching and promotion of human rights through training courses, prevention programmes targeting vulnerable groups, publications and the preparation of materials. These ongoing and regular activities have brought about a sharp decrease in the number of complaints of torture, as reflected in the latest report of the CNDH.

155. The objective of the current human rights training programmes of the Training Institute of the Attorney-General's Office is to raise the quality of the work performed by officers of the Federal Public Prosecutor's Office and by Federal Judicial Police officers.

156. In 1995, the Office's Internal Control Unit not only took various measures aimed at punishing public servants who contravened the law, but established an ongoing human rights training programme for Office staff with a view to increasing the efficiency of the administration of justice and its conformity with the law, in keeping with its responsibility towards society.

157. In recent years the Attorney-General's Office has made a compendium of various national and international human rights instruments in force in Mexico with the aim of publishing a single text containing all the legislation on this subject for distribution to officers of the Federal Public Prosecutor's Office and to staff of the Attorney-General's Office in general. The purpose is to provide them with reference material that will enable them to perform their duties with strict adherence to the law and avoid at all times acts which may be considered to be violations of fundamental human rights.

158. Ministry of National Defence: The Ministry of National Defence conducts courses aimed at raising the level of professionalism of public servants involved in the custody and treatment of anyone under arrest, detention or imprisonment.

159. It should also be mentioned that staff of the Military Justice Service have attended various human rights courses and received diplomas. The courses were organized in conjunction with the Autonomous National University of Mexico and the Mexican Academy of Human Rights to enable them to continuously update their knowledge of this subject; the knowledge acquired is passed on to other military personnel through seminars and lectures.

160. The following are among the many handbooks, manuals and instructions, published by this branch of the Federal Executive:

Handbook for army and air force personnel engaged in the ongoing fight against the drug traffic;

Behaviour in combat;

The resolution of specific cases in the implementation of the laws of war.

161. It is important to note that the latter two publications are based on the Geneva Convention and the Hague Conference. Likewise, the training guidelines, programmes and general syllabuses of the army and air force units, branches, facilities and schools include material on the teaching and observance of human rights and compliance with the Federal Act to Prevent and Punish Torture.

162. Ministry of the Interior: The training of prison personnel constitutes the chief means of achieving the minimum quality standards set out in the strategies and courses of the National Development Plan 1995-2000, which views public security as a right of every individual and a service to society. The regular staff of the national prison system comprise approximately 30,000 people, including administrative, technical and security staff and warders.

163. In 1991, the National Institute of Penal Sciences provided training for the staff of No. 1 Federal Social Rehabilitation Centre in Almoloya de Juárez (Estado de México) for extremely dangerous prisoners, the first such centre in the country.

164. The National Prison Training Institute (INCAPE), a division of the Directorate-General of Prisons and Social Rehabilitation Centres in the Federal District, is currently organizing the selection and training of staff working in prisons in Mexico City.

165. Another important undertaking at the national level is the National Prison Training Programme (PRONACAP), a programme of the Ministry of the Interior's Under-Secretariat for Civil Defence, Prevention and Social Rehabilitation, which is responsible for training the staff of prisons

throughout the country. There are also projects in a number of states, such as the Estado de México, which runs a continuing education and pre-recruitment training programme.

Conditions and procedures for provision of medical care, in particular psychiatric care, detention in psychiatric hospitals, measures taken to prevent abuses, and remedies available to prisoners

166. Information on this question is to be found in the following regulations and codes:

Regulations of the Federal Social Rehabilitation Centres

Medical services

Article 45

"The medical services provided by the Federal Social Rehabilitation Centres shall be sufficient to meet all types of health needs. They shall provide prisoners in their facilities with medical attention through staff working in the institution concerned."

...

Article 51

"The medical services provided by the Federal Social Rehabilitation Centres shall ensure prisoners' physical and mental health and conduct continuing campaigns for the eradication of diseases."

...

Article 53

"Should the diagnostic or therapeutic procedure involve a risk to the prisoner's life or person, his prior written consent shall be required.

If the prisoner is unable to grant or refuse consent, his consent may be replaced by that of his spouse, ascendant or descendant relative or a person previously designated by him, or, in their absence, by the Director of the centre after consultation with the Director-General for Prevention and Social Rehabilitation or a person designated by the latter.

Consent shall be presumed to have been given in the event of an emergency or when, in the opinion of the Head of Medical Services, the prisoner's life would be at risk if the treatment was not carried out."

...

Article 62

"The following shall be the functions of the Interdisciplinary Technical Council:

"1. To serve as a body for guidance, evaluation and follow-up concerning the individualized treatment of the prisoner."

Article 83

"The psychologist shall evaluate the prisoners' mental condition and determine their needs and the type of psychotherapy appropriate for them; he shall report thereon to the Head of the Department of Observation and Classification."

...

Article 84

"The psychologist shall conduct group or individual psychotherapy sessions consistent with the prisoners' classification and appropriate to their personality traits and problems."

Article 85

"Prisoners shall attend the psychotherapy sessions specified by the Interdisciplinary Technical Council according to the schedule assigned to them, on an individual or group basis."

Article 86

"The psychologist shall prepare a report on each session for every prisoner and provide the Head of the Department of Observation and Classification with a monthly written report on developments in the prisoner's mental state, the latter report to be attached to their files. The report may not contain confidential information provided by the prisoner."

Article 87

"The mental state of prisoners in segregation or hospital units shall be evaluated daily by the psychologist, who shall submit a written report to his superior."

...

Article 91

"Violations of these regulations by staff of the Federal Social Rehabilitation Centres shall be punishable in accordance with the relevant legal and regulatory ordinances."

...

Article 93

"Cases of suspected Criminal behaviour shall immediately be reported to an official of the local or federal Public Prosecutor's Office, as appropriate."

...

Article 107

"The solitary confinement section shall receive the daily services of physicians, psychiatrists, psychologists and social workers, who shall monitor developments in the condition of prisoners held in solitary confinement and, if necessary, propose to the Interdisciplinary Council changes in their regime or their transfer from this section."

...

Article 122

"Any prisoner may lodge individual complaints and requests through the representative of the Director-General for Prevention and Social Rehabilitation at the centre, who shall assemble them, transmit them to the Director-General and take action on them."

...

Article 129

"In the imposition of punishment, any torture or ill-treatment injurious to a prisoner's physical or mental health is prohibited.

Violation of this provision shall give rise to the penalties laid down in these regulations, without prejudice to any criminal, labour or administrative responsibility that may be incurred by the staff of Federal Social Rehabilitation Centres."

Code of Criminal Procedure for the Federal District

Article 673

"The Directorate-General for Prevention and Social Rehabilitation, subordinate to the Ministry of the Interior, shall be responsible for crime prevention in general and the treatment of adult offenders as set forth in the following article."

Article 674

"The Directorate-General for Prevention and Social Rehabilitation shall be responsible for:

...

V. Establishing, organizing and administering criminological museums and laboratories, segregation units, penal colonies, farms and camps, reformatories, medical establishments and other institutions for offenders with and without health problems.

...

X. Providing guidance and supervision for mentally ill persons subject to security measures imposed by the criminal courts and those under conditional release or suspended sentence."

Regulations of the General Health Act relating to the provision of medical services

Article 121

"For the purposes of these regulations, the provision of mental health services shall be understood to mean any action intended to prevent mental illness, and the treatment and rehabilitation of persons suffering from such illness."

...

Article 126

"Any establishment accommodating patients suffering from mental illness shall be provided with the physical and human resources needed for users' protection, security and care, in accordance with the technical rules issued by the Ministry."

Article 127

"In addition to their internal regulations, psychiatric units located in prisons or social rehabilitation centres shall comply with the technical rule for the provision of mental health services issued by the Ministry."

Article 128

"Persons in charge of psychiatric hospitals shall be surgeons specializing in psychiatry, with a minimum of five years' experience in their speciality.

Similarly, the heads of the emergency, out-patient and hospitalization services shall be surgeons specializing in psychiatry and duly registered with the competent educational authorities."

Legislation and practice governing experimentation on human beings, and control mechanisms in force for ensuring free consent and guaranteeing that persons incapable of expressing their consent are not subjected to such experimentation

167. The information provided in the previous report remains valid. There are as yet no legal regulations governing the practice of cloning.

Article 8 of the Covenant

Legal measures or practices adopted to prevent and combat all situations in which one person is forced to become dependent on another, as in cases of prostitution, drug-trafficking, psychiatric abuse and other similar forms of servitude and exploitation, whether involving a public authority or merely private individuals

168. Article 2 of the Constitution stipulates that slavery is prohibited in Mexico:

> "Slavery is prohibited in the United Mexican States. Slaves who enter the national territory from abroad shall, by this act alone, obtain their freedom and the protection of the laws."

169. Likewise, the Criminal Code for the Federal District stipulates the following in connection with contemporary forms of slavery:

Article 205

> "Anyone who promotes or encourages the practice of prostitution or obtains or hands over a person for purposes of prostitution, within or outside the country, shall be liable to two to nine years' imprisonment and 100 to 500 days' fine.
>
> If violence is used or the official takes advantage of a public office to commit the offence, the penalty shall be increased by up to one half."
>
> ...

Article 207

> "The following are considered to have committed the offence of pandering:
>
> I. Anyone who habitually or occasionally exploits the body of another through sexual commerce, supports himself through such commerce or profits from it in any way whatsoever;
>
> II. Anyone who induces or asks another person to use his or her body for sexual commerce with another or provides him or her with the means of practising prostitution."

170. Article 27, paragraph 3, of the Criminal Code has the following to say about work by persons deprived of their liberty:

> "Community service shall consist of the performance of unpaid services in public educational or welfare institutions or private welfare institutions. Such service shall be performed outside the hours during which the work representing the main source of income for the individual and his family is performed. It may not exceed the overtime period established by the labour legislation and shall be performed under the guidance and supervision of the executive authorities.
>
> Such service may in no circumstances be performed in a way that is degrading or humiliating to the person concerned."

171. Likewise, article 5, third paragraph, of the Constitution establishes the following:

> "No one shall be forced to perform work without fair remuneration and without his full consent, with the exception of work imposed as a penalty by a judicial authority, the said work to be governed by the provisions of article 123, sections I and II."

172. In accordance with article 63 of the regulations of prisons and social rehabilitation centres in the Federal District, all prisoners must perform work:

> "The Directorate-General of Prisons and Social Rehabilitation Centres shall take the necessary measures to ensure that all able-bodied prisoners perform remunerated work of value to society and themselves, personally, in keeping with their abilities, personality and training."

Information on compulsory military service and national civil service for conscientious objectors

173. Article 5, fourth paragraph, of the Constitution stipulates that military service shall be compulsory and performed in the public domain. All persons who are Mexican by birth or naturalization are required to perform active service in the armed forces, as privates or non-commissioned or commissioned officers, in accordance with their abilities, aptitudes and the needs of the service; it is performed through the system of conscription as compulsory military service or as voluntary military service.

174. In addition to military training activities, military service currently includes related activities aimed at raising national educational standards. These activities are conducted by the Ministry of National Defence in conjunction with the Ministry of Public Education and the National Adult Education Institute (INEA). This new programme of national military service represents a considerable change from previous activities.

175. The Government of Mexico exempts only the following from national military service: conscripts who are manifestly unable, because of physical or mental incapacity, to fulfil their military obligations, citizens over 40 years of age, naturalized Mexican citizens over 25 years of age, clergymen,

children of foreigners whose parents have retained their nationality of origin and individuals who, because of their blatantly immoral behaviour, are liable to cause unseemly situations, scandal or loss of prestige for the army.

176. Recruitment into national military service takes place on the basis of the following four categories:

(a) Persons reporting for service

The following are ordered to report to the training centres of the Mexican army and navy: the most recent conscripts and late-reporting conscripts, illiterates, those who have not completed their primary education, those who have completed only their primary educations, those who have not completed their secondary education, those who have not fulfilled their military service obligation in the corresponding year, those who obtained a white ball in the draw and volunteers.

(b) Early enlisters

Early enlisters who volunteer to perform their military service before the corresponding year report to the training centre nearest their home and fulfil their military obligations in accordance with their educational level, either joining study groups as participants or serving as teachers.

(c) Persons on standby

Persons performing national military service on a standby basis do not attend a study group or training centre, but may be called up at any time. This category includes the most recent conscripts who obtained a black ball in the draw, those who can prove that they reside far from the INEA training and coordination centre, Mexicans of military age living abroad, those who for health reasons are unable to continue to perform their military obligation and Mennonites, as conscientious objectors, in accordance with the Presidential Decree of 30 October 1921.

(d) Persons unfit for military service

Conscripts suffering from a disease or physical defect which makes them temporarily or permanently unable to perform military service are considered as incapacitated or unfit for military service if the competent military physician issues a certificate of unfitness after conducting a medical examination. However, in accordance with the new programmes and objectives of military service, although these conscripts may not be inducted, they are invited to join a study group if their educational level so requires and their physical condition permits.

177. The provisions governing military service are contained in the following legislation:

National Military Service Act

Article 1 (first paragraph)

"In accordance with the provisions of article 5 of the Mexican Constitution, military service is declared compulsory for all persons who are Mexican by birth or by naturalization and shall be performed in the public domain. They shall serve in the army or navy, as soldiers, or non-commissioned or commissioned officers, in accordance with their abilities and aptitudes."

...

Article 10

"The regulations relating to this Act shall stipulate the grounds for total or partial exemption from military service, setting forth the physical, moral or social grounds and the means of verifying them. The Act invests the Ministry of National Defence with the power to exempt from military service anyone not meeting the requirements of national defence."

Regulations relating to the Military Service Act

Article 13

"Mexicans in the situation referred to in the first part of article 10 of the Military Service Act may, according to their situation, be exempted:

I. From serving in active units;

II. From all military service; ...".

Article 34

"Total or partial exemption from military service shall be granted:

I. On grounds of physical unfitness;

II. On any other of the grounds specified in the first part of article 10 of the Act."

...

Article 38

"Mexicans of military age shall be exempted from military service if they are in any of the situations specified below:

I. They are senior officials of the Federation in accordance with the provisions of article 108 of the Constitution;

II. They are federal, state or municipal police officers, forest wardens, frontier guards or coastguards;

III. They are clergymen legally authorized to conduct religious worship;

IV. They are candidates for federal, state or municipal office, from the time their candidacy is registered until the election results are announced."

...

Article 40

"The Ministry of National Defence may exercise its power under article 10 of the Military Service Act to grant exemption from military service, as required for the defence and security of the nation, only to the following persons:

I. Children born in the territory of the Republic to foreigners who have retained their nationality in accordance with the national legislation, provided the principle of international reciprocity is observed;

II. Children of foreign officials enjoying immunity;

III. Naturalized foreigners;

IV. Persons who, because of their blatantly immoral behaviour are liable to cause unseemly situations, scandal or loss of prestige for the army."

Information on the services established for the relief of emergencies or disasters which threaten the life of the community, and the work and services which form part of normal civic obligations

178. The National Civil Defence System is an organization which was legally established pursuant to the Presidential Decree of 6 May 1986, designed as an organized and coordinated set of structures, functional relationships, methods and procedures which establish public-sector departments and entities between themselves, with the organizations of the various social and private groups, and with the state and municipal authorities, for the purpose of conducting jointly-agreed activities intended to protect citizens against dangers and risks arising in the event of a disaster.

179. The National Civil Defence Programme 1995-2000, specifically reflects the spirit of the International Covenant on Civil and Political Rights. As an example of the progress achieved in the enjoyment of the rights established by the Covenant, the National Civil Defence System provides ongoing protection for the general public, distributes guidelines to ensure a culture of civil defence among the population and, further, seeks to involve society at large

through volunteer groups, without forcing anyone to perform compulsory civil defence work, even in cases of emergency or disaster which threaten the life of the community.

180. Finally, article 5, fourth paragraph, of the Constitution stipulates the following concerning work on services which form part of normal civic obligations:

> "The following are the only public services that may be compulsory, as stipulated in the laws governing them: military service and jury duty, the office of municipal councillor and offices filled through direct or indirect popular election. Elections and censuses shall be compulsory and free, with the exception of those conducted professionally as stipulated in this Constitution and the corresponding laws. Professional welfare services shall be compulsory and remunerated in accordance with the terms and exceptions established by law."

Article 9 of the Covenant

Circumstances in which a person may be deprived of his liberty; forms of deprivation of liberty provided for by the law, as they exist in practice

181. The relevant information contained in the previous reports remains valid since the legislation has not been amended.

Statistics on complaints about arbitrary arrest and deprivation of liberty; results of investigations and penalties imposed

182. Given below is a breakdown of complaints classified by visitors attached to the National Human Rights Commission (CNDH) as relating to arbitrary detention, in accordance with the nature of the events alleged to constitute violations of human rights:

> In the period May 1992 to May 1993, of the 2,779 complaints classified as relating to alleged violations of human rights, 453 related to arbitrary detention, the second highest total after complaints relating to delays in obtaining justice (518);
>
> In the period May 1993 to May 1994, of the 2,836 classified complaints, 329 had as their principal human rights violation arbitrary detention, which came in third place after violation of the rights of prisoners (534) and abuse of authority (454);
>
> In the period May 1994 to May 1995, of the 2,353 classified complaints, 169 related to arbitrary detention, which came in sixth place after violation of the rights of prisoners (443), abuse of authority (406), medical negligence (312), refusal of the right of petition (184) and responsibility of public servants (173);
>
> In the period May 1995 to May 1996, of the 2,660 classified complaints, 165 related to arbitrary detention, which came in sixth place after medical negligence (486), improper performance of public service (350),

refusal of the right of petition (348), refusal, suspension or inefficient performance of public service (253) and unjustified refusal of lawful benefits (169);

Lastly, during the period June to December 1996, of the 1,605 classified complaints, 138 related to arbitrary detention, which came in third place after unjustified refusal of lawful prison benefits (177) and refusal of the right of petition (141).

As to the number of recommendations by the National Commission which mentioned arbitrary detention as the principal violation of human rights, 110 were issued between January 1992 and December 1996.

Guarantees to which persons accused of criminal acts are entitled

183. The relevant information contained in the previous reports remains valid since the legislation has not been amended.

Measures relating to conditional release and its equitable implementation, especially in financial terms

184. The provisions relating to this question are contained in the Federal Code of Criminal Procedure:

Article 399

"Every accused person shall be entitled to release on bail with security if the arithmetical average term of imprisonment established for the offence in question, including procedures for its enforcement, does not exceed five years. In the case of concurrence, account shall be taken of the offence carrying the greater penalty.

In cases where the penalty for the offence exceeds the arithmetical average term of five years' imprisonment and the offence is not one of those specified in the following paragraphs of this article, the judge shall grant release on bail in a reasoned decision, provided that the following requirements are met:

I. In the opinion of the judge, redress for the injury is properly guaranteed;

II. The granting of release does not constitute a serious public danger;

III. There are no grounds for believing that the defendant may attempt to evade justice; and

IV. The defendant is not a person who, because he is a recidivist or habitual criminal, may justifiably be expected to evade justice as a result of the granting of release."

185. For the purposes of the preceding paragraph, bail will not be granted in the case of the offences provided for in the following articles of the

Criminal Code for the Federal District in respect of ordinary offences and for the whole Republic in respect of federal offences: 60, 123-125, 127, 128, 132, 136, 139, 140, 146, 147, 149 bis, 168, 170, 197, 198, 265, 226, 266 bis, 302, 307, 315 bis, 320, 323-326, 366 and 370, second and third paragraphs, when any of the circumstances specified in articles 327, 381, paragraphs VIII-X, or 381 bis exist.

Article 402

"The amount of security shall be set by the court, which shall take into consideration:

I. The defendant's background;

II. The seriousness and circumstances of the offence with which he is charged;

III. The likelihood that he will attempt to evade justice;

IV. His financial situation; and

V. The nature of the guarantee he offers."

Article 404, second paragraph

"If the defendant does not have sufficient means to pay the deposit in cash in a single amount, the judge may authorize him to do so by means of part-payments, in accordance with the following conditions:

I. The defendant shall have been actually resident for at least one year in the place where the trial is being held and be able to demonstrate that he is performing a lawful job, profession or occupation which constitutes his livelihood;

II. He shall have a personal guarantor who, in the opinion of the judge, is solvent and of suitable character, and undertakes to defray the part-payments not made by the defendant.

The judge may waive this obligation, in which case he shall issue a reasoned decision;

III. The amount of the first part-payment may not be less than 15 per cent of the total amount of the security set and shall be paid before the defendant is granted bail; and

IV. The defendant shall undertake to defray the part-payments in the amounts and within the time limits set by the judge."

Article 418

"Bail on defendant's undertaking may be ordered if the following circumstances exist:

I. The offence in question carries a maximum penalty not in excess of three years' imprisonment. In the case of needy persons, the judge may grant this benefit if the penalty is not in excess of four years.

II. The defendant has not been convicted of a premeditated offence;

III. He has a fixed and known domicile in the place in which the trial is being and will continue to be held or within the jurisdiction of the court in question;

IV. He has been resident in that place for at least one year;

V. He has a profession, job, occupation or honest livelihood;

VI. In the opinion of the authority granting it, there is no danger that the defendant may attempt to evade justice."

186. Bail on defendant's undertaking shall be established in the manner laid down for unspecified cases and the provisions contained in article 411 shall be applicable.

Redress mechanism established by law for unlawfully detained persons and its practical implementation

187. The information relating to this question is contained in the relevant part of this report under article 6 of the Covenant.

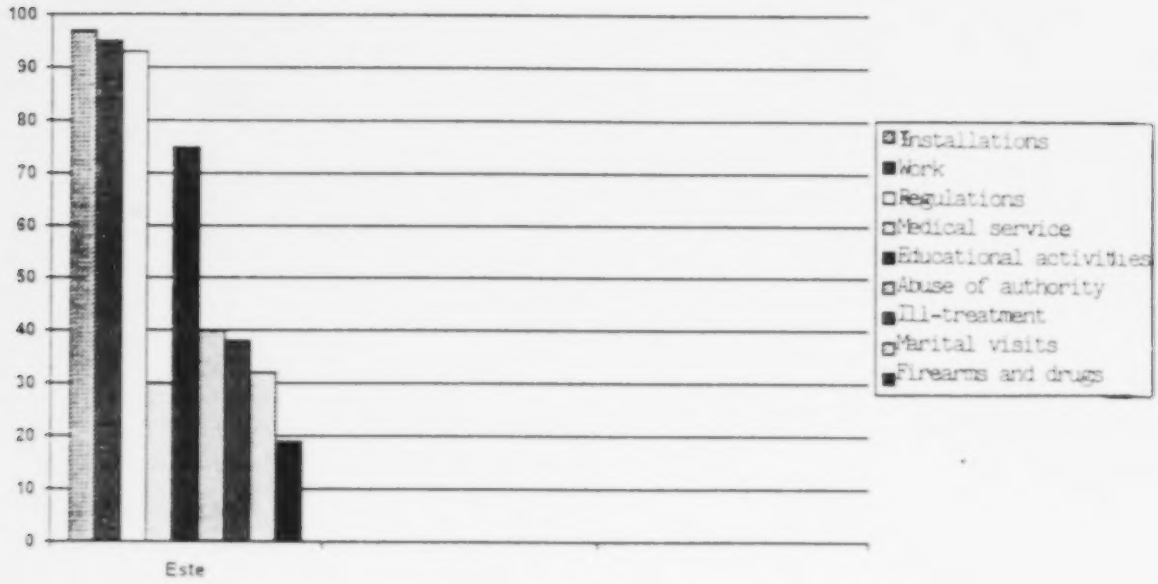
Article 10 of the Covenant

Practice followed in the treatment of prisoners in Mexican prisons

188. The regime in establishments for unconvicted and convicted prisoners is based on national legislation and the legal instruments of an international character signed by the Federal Government and approved by the Senate, under which the prison authorities have an obligation to ensure that the human rights of prisoners are not violated by such actions as ill-treatment or harassment by prison staff, and particularly guards.

189. In 1993, the CNDH published a series of recommendations for the improvement of the treatment of prisoners in prisons. These recommendations were in due course dealt with by the Ministry of the Interior.

Most common subjects of recommendations issued by CNDH



190. The constant desire of the federal authorities to identify the problems which affect the rehabilitative purposes of prisons and, hence, full respect for the human rights of prisoners gave rise to the 1994 study entitled "Prisons: nationwide prospective study", undertaken through the National Prison Training Programme. This study identified problems and deficiencies in the Mexican prison system, and demonstrated the need for specific programmes to eradicate them, with the necessary participation of the Government, the social institutions and ordinary citizens in order to achieve effective solutions.

191. In response to the foregoing, the Government initiated the following activities:

Joint work with the Ministry of Education for appropriate attention at the primary and secondary levels of education, and in literacy classes;

Expediting the granting of early release as provided for by the Act aimed at reducing prison overcrowding, through the establishment of the Regional Delegations Coordination Office and the Office for the Coordination of Modifications;

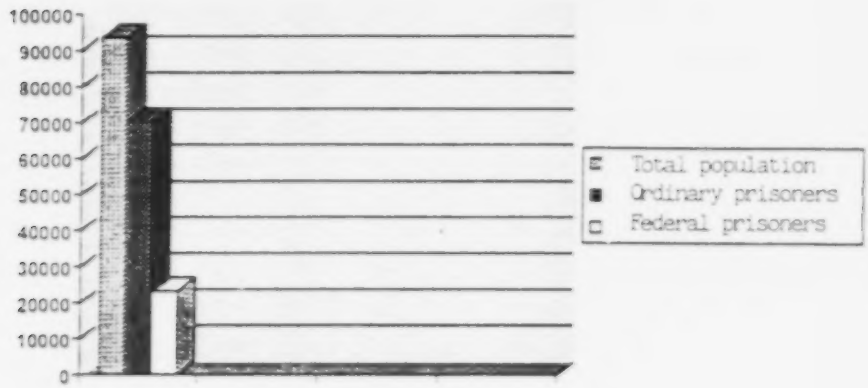
Implementation of the "Zero Surplus" programme (1995) and the "Updating of files and early release" programme (1996), with the aim of avoiding prison overcrowding;

Organization of programmes with the youth integration centres in several states, the Federal District and the Islas Marías Federal Prison Colony, with the aim of reducing the consumption of drugs and psychotropic substances;

Distribution of documents containing guidelines on the formulation of rules and operation of prisons, including: Standard Rules for Prisons and Guide on the Functioning of the Interdisciplinary Technical Councils, with the aim of improving and standardizing treatment.

Prison population

192. In December 1995, the total prison population stood at 93,574, of whom 70,288 were ordinary prisoners and 23,286 federal prisoners, as shown in the following table:



December 1995

193. An analysis of the prison population over the past eight years shows that during the period 1988-1995 there was an increase of 25.59 per cent in the annual average. It should be noted that from 1990 to 1995 various federal and state programmes were undertaken to reduce the prison population; these had the effect of avoiding an increase.

Prison infrastructure

194. The National Prison System has the installed capacity to accommodate 91,548 prisoners. The establishments are subordinate to various authorities, as shown in the following table:

Federal Government	3
Department of the Federal District	8
State governments	274
Municipal authorities	150
Total number of prisons	437
Installed capacity for prisoners	91 548

Federal high-security prisons

195. Since the beginning of the current decade, the country has been hit by a new type of criminality whose chief characteristics are a high degree of organization and powerful financial resources; even within prisons this criminality constitutes a danger to the prisoners themselves and to the staff, and so the State has been compelled to build high-security prisons equipped with technology to ensure complete supervision and control of prisoners, without detriment to their human rights.

196. The rights and guarantees of detainees and prisoners are set out in the laws and regulations laying down provisions for the execution of prison sentences. Among them is a provision that the treatment received by detainees and prisoners must be dignified and humane. This provision is contained in the following enactments.

Act establishing minimum standards concerning the social rehabilitation of convicted prisoners, and similar enactments in all states of the Federation

Article 13, third paragraph

"... Prisoners have the right to a hearing by prison officials, to transmit peaceful and courteous complaints and petitions to outside authorities, and to explain them in person to officials making regulation visits to prisons.

Any punishment consisting of torture or cruel treatment with unnecessary violence towards prisoners is prohibited, as are the so-called special blocks or sectors, which are assigned to prisoners possessing the necessary means, who pay a certain fee or boarding costs ..."

Regulations of the Federal Social Rehabilitation Centres

Internal regime

Article 122

"Any prisoner may formulate individual requests or complaints through the representative of the Director-General for Prevention and Social Rehabilitation at the prison, who shall collect them, transmit them to the Director-General's Office and take action on them."

Disciplinary penalties

Article 128

"A prisoner may, personally or through his relatives, lawyers or a person designated by him, express objections, verbally or in writing, concerning a disciplinary penalty to the Interdisciplinary Technical Council itself or to the Office of the Director-General for Prevention and Social Rehabilitation, which, within a period of not more than

48 hours, shall issue the appropriate decision. This decision shall be communicated for execution to the prison governor and to the prisoner concerned, a copy of the decision being added to the prisoner's file."

Article 129

"In the enforcement of penalties, torture or ill-treatment, i.e. treatment which harms the prisoner's physical or mental health, is prohibited.

Infringement of this provision shall give rise to the penalties established in these regulations, without prejudice to the criminal, administrative or employment-related responsibility of the staff of the Federal Social Rehabilitation Centres."

Regulations of the Islas Marías Federal Prison Colony

Incentives and punishments

Article 52

"The procedure for the imposition of punishments for infringements of these regulations shall consist of a single hearing presided over by the governor of the prison colony, who shall hear the offender and receive the evidence establishing the offence and the responsibility of the offender. The governor shall immediately resolve the matter, issuing a reasoned decision in accordance with the present regulations and on the basis of the opinion expressed by the Interdisciplinary Technical Council."

Article 53

"The installation of punishment rooms or cells and the use of torture or physical, mental or moral ill-treatment which harms the health or dignity of the prisoner are strictly prohibited. Any violation of this article shall result in the immediate dismissal of the person perpetrating or ordering it, without prejudice to the appropriate criminal penalties."

Article 54

"The offender may express an objection to the decision imposing a penalty by addressing himself in writing to the Office of the Director-General for Prevention and Social Rehabilitation. The time limit for submission of the objection shall be 15 days as from the day following notification of the disciplinary penalty."

Article 55

"On receipt of the objection, the Office of the Director-General shall issue a final decision on the matter within a period that may in no circumstances exceed 10 days. This decision shall be notified to the offender."

Regulations of Prisons and Social Rehabilitation Centres in the Federal District

Prison regulations

Article 136

"The use by any official or by other persons at his instigation of physical or moral violence or procedure which is detrimental to the dignity of prisoners is prohibited."

Article 138

"Considerate and fair treatment showing due respect for the dignity of prisoners and their relatives ..."

Article 149

"The disciplinary penalties referred to in the previous article shall be imposed by a decision of the Interdisciplinary Technical Council, the said decision to be announced at the session following the commission of the offence."

Article 150

"Prisoners may not be punished without having previously been informed of the penalty ordered and without having had a hearing to speak in their defence."

Article 151

"When the governor or his replacement during his absence learns of an offence alleged to have been committed by a prisoner, he shall order the alleged offender to appear before the Interdisciplinary Technical Council, which shall grant him a hearing and take an appropriate decision.

This decision shall be set down in writing, the original being added to the file and a copy being handed to the prisoner. The decision shall contain a brief description of the offence committed, the statement made by the offender in his defence and, where appropriate, the disciplinary penalty imposed."

Article 152

"Concerning the disciplinary penalty imposed, the prisoner, a relative, a lawyer or a person designated by him may address himself, verbally or in writing, to the Interdisciplinary Technical Council or the Office of the Director-General of Prisons and Social Rehabilitation Centres, directly or in accordance with the provisions of article 25 of these regulations.

The Interdisciplinary Technical Council or the Office of the Director-General of Prisons and Social Rehabilitation Centres where appropriate shall, within a period of not more than 48 hours, issue the appropriate decision and communicate it for execution to the prison governor and the prisoner concerned."

Article 154

"Offences committed by personnel of the Federal District prison system shall be punished in accordance with the Federal Act relating to the Responsibilities of Public Servants and the applicable criminal and labour provisions."

Control mechanisms established to ensure that convicted and unconvicted prisoners are not subjected to torture or other ill-treatment; independent and impartial procedures for the submission and investigation of complaints of torture or ill-treatment by prison personnel

197. Personnel working in prison establishments in Mexico are supervised by local and federal bodies, and by the competent human rights commissions.

198. National Human Rights Commission: in order to verify respect for the human rights of persons held in detention centres, the National Human Rights Commission (CNDH) has set up the Prison System and Detention Centre Programme. Either in response to a complaint or on a regular basis, it visits prisons for adults and detention centres such as those of the Federal Public Prosecutor's Office and the National Institute for Migration, in order to ascertain the conditions in which persons are being held for criminal or administrative reasons, and the functioning and organization of the establishments concerned.

199. During the period June-December 1996 and with the aim of continuing supervisory duties with respect to the human rights of persons held in Mexican prisons, visits were made to 12 prisons for adults in the states of Chihuahua, Durango, Estado de Mexico, Guerrero, Michoacán, Morelos, Oaxaca, Puebla, San Luis Potosí and Veracruz.

200. In addition, 70 visits were made in response to individual complaints to 27 prisons in the Federal District and in the states of Chiapas, Guerrero, Hidalgo, Estado de Mexico, Jalisco, Michoacán, Oaxaca, Puebla, Tamaulipas, Veracruz and Yucatán.

201. Over the same period, the Commission received 501 applications for legal benefits and 36 for modification of the penalty following the legislative amendments of January and July 1994; these amendments reduced the penalties for various offences. It also received 99 requests for transfers to other prisons.

202. Similarly, visits were made to the detention centres of the Federal Public Prosecutor's Office and places where foreigners were being held as illegal migrants, in order to ascertain their conditions of detention and the functioning, organization and facilities of the establishments concerned.

203. With regard to persons held in administrative detention for alleged involvement in federal offences, during the period June-December 1996 the Commission visited 20 detention centres of the Federal Public Prosecutor's Office in Campeche and Ciudad del Carmen in the State of Campeche, Chihuahua, Ciudad Delicias and Ciudad Juárez in the State of Chihuahua, Chalco, Texcoco and Nezahualcóyotl in the Estado de Mexico, Celaya, Salamanca, Irapuato, Guanajuato and León in the State of Guanajuato, Tula de Allende in the State of Hidalgo, Guadalajara in the State of Jalisco, Ciudad Victoria in the State of Tamaulipas, and Mérida, Valladolid and Progreso in the State of Yucatán.

204. In connection with detained migrants, the Commission made seven visits to migrant detention centres: offices of the National Institute for Migration (INM) in Campeche and Ciudad del Carmen (Campeche) in Chihuahua and Ciudad Juárez (Chihuahua) in Guadalajara (Jalisco) and in Mérida and Progreso (Yucatán).

205. To summarize the Commission's activities over its more than six and a half years of existence, it made a total of 1,539 visits to Mexican prison establishments, for both adults and minors. Over the same period it dealt with 9,874 requests for legal benefits, including early release, preparatory release and partial suspension of sentence. It also dealt with 1,041 requests for transfers. Since May 1994, the Commission has made the following visits to administrative detention centres: 32 visits to 31 facilities of the Federal Public Prosecutor's Office (cells) in 17 states and 31 visits to 28 INM centres in 17 states).

206. Ministry of the Interior: The Office of the Director-General for Prevention and Social Rehabilitation, subordinate to the Ministry of the Interior, has a number of regional delegates; the various states have state offices for prevention and social rehabilitation, state human rights commissions, prison visitors and their deputies, who are responsible for supervising prisons.

207. There are various bodies to which prisoners may transmit their complaints. They include:

Interdisciplinary Technical Councils within the prisons;

the prisoner submits his complaint to the interdisciplinary technical council, which reviews the case and takes action as stipulated in the prison regulations;

the Office of the Director-General for Prevention and Social Rehabilitation, subordinate to the Ministry of the Interior:

(a) Regional Delegates:

These officials visit the prisons and hears prisoners' complaints; when the complaint is received, it is transmitted to the superior authority and an investigation is undertaken, in conjunction with staff of the Director-General's Office;

(b) "Red mailboxes":

These exist within the various prisons and provide a means whereby prisoners are able to transmit their complaints to senior officials in the Ministry of the Interior without going through the prison authorities.

The prisoner deposits his complaint in the mailbox and it is collected by Mexican postal service personnel, who forward it to the Prison Mailbox Coordination Office within the Ministry of the Interior for attention and investigation. The Office of the Director-General for Prevention and Social Rehabilitation replies to, and takes action on, complaints and accusations, forwarding them to the appropriate department for immediate attention. Lastly, the prisoner receives a reply in writing informing him of the result of his request or complaint.

(c) Direct correspondence of prisoners or relatives:

The above-mentioned Office of the Director-General forwards the correspondence to the appropriate department for immediate attention or the competent Regional Delegate is asked to undertake the investigation;

(d) Department of Legal Information, which is directly subordinate to the Director-General's Office and serves the general public, deals with prisoners' relatives and, according to the nature of the information requested or the complaint:

The prisoner's legal file is consulted and the information passed on to the relative; or

Complaints for the attention of and investigation by the Director-General are forwarded to his private secretary; the matter is referred to the regional delegate for his attention and investigation.

Statistics relating to complaints of torture or ill-treatment in Mexican prisons between 1992 and 1996; their investigation and results, and imposition of penalties

208. Between January 1992 and December 1996, CNDH issued a total of 279 recommendations relating to prison matters, and to the following subjects in particular: unjustified transfers, legal repercussions of personality studies on the granting of early release, location of prisoners, examination of visitors, conditions in prisons, self-administration, threats against prisoners, improper payments, imposition of disciplinary penalties, drug trafficking, abuse of authority, and lack of training for security personnel and guards.

209. Over a period of just over six and a half years, the total number of recommendations on prison matters and detention centres issued by CNDH was 306.

Laws and practices of the Mexican prison system to guarantee the reform and social rehabilitation of prisoners

210. Social rehabilitation: In accordance with article 18 of the Constitution, the social rehabilitation system comprises three basic components which prisoners must comply with: work, vocational training and education, including participation in cultural, sporting and recreational activities, as means of achieving social rehabilitation; this will at the same time enable prisoners to benefit from some form of early release and integrate themselves within society.

211. On the basis of the provisions of the Act establishing Minimum Standards for the Social Rehabilitation of Convicted Prisoners, published in the Diario Oficial de la Federación of 19 May 1971 and amended on 28 December 1992, and the coordination agreements deriving from it, interdisciplinary technical councils were established in some prisons with the necessary consultative functions for the individual application of the progressive and technical system of social rehabilitation, the execution of pre-release measures, granting of partial remission of sentences and conditional release, and implementation of detention.

212. In the course of the rehabilitation of convicted prisoners, a personality study is undertaken for the purpose of obtaining a diagnosis which will give rise to the application of technical, progressive and individualized treatment. The whole of this process is under the responsibility of an interdisciplinary group comprising a doctor, a psychologist, a psychiatrist, a criminologist, a social worker, a specialized teacher and senior officials in the areas of employment and the law.

213. As a result of this joint activity, it is possible at the outset to establish the degree of danger represented by each prisoner and to classify prisoners according to their personality traits, so as to place them in the appropriate section of the prison concerned. The usefulness of these studies extends to the judicial sphere, since they are forwarded to judges and taken into account when a custodial sentence is handed down.

214. One of the most important functions of these interdisciplinary technical councils in the various prisons is to propose to the Ministry of the Interior, through the Reporting Board subordinate to the Office of the Director-General for Prevention and Social Rehabilitation and vis-à-vis the state authorities for prevention and social rehabilitation, the granting of early release on the basis of the relevant studies.

215. Also on the question of prevention and social rehabilitation, the National Development Plan 1995-2000 provides for the introduction of more efficient provisions, techniques and treatment procedures in social rehabilitation centres in order to enable persons deprived of their freedom to rejoin their families, jobs, and educational and social environment and to prevent reoffending. This is done through prison education programmes geared to the needs, characteristics and interests of prisoners, and by encouraging their participation in cultural, sporting and recreational activities and combatting factors which give rise to corruption and disturbances in prisons.

216. Social reintegration: The social reintegration programme arises from the need to create appropriate conditions to enable persons released from rehabilitation and juvenile-treatment centres to be fully reintegrated in their family, employment, and educational and social unit in a harmonious and productive manner, to support public security programmes, avoiding the reincidence of anti-social conduct and offences, and to promote social harmony and well-being.

217. On completion of the period of imprisonment of adult and juvenile offenders, the post-release assistance boards are responsible for initiating this process of social reintegration, with the aim of averting reoffending and ensuring that the released prisoners have an opportunity of leading an honourable life and harmoniously re-entering their family unit, the labour market and their community.

218. These post-release assistance boards, which operate in the Federal District and in all states, provide support in obtaining a job and promote training after final or conditional release. Another important task of the boards is to undertake full-scale monitoring of the ex-prisoners' conduct, comprising visits to work places and training centres, and to verify their family situation.

219. In order to perform their function of ensuring social reintegration, these boards are broad-based in character, with the participation of governmental authorities and private organizations representing industry and commerce in each state, together with civil organizations and non-governmental bodies. The boards' work programmes are organized on a coordinated and homogenous basis so as to ensure that the support for social reintegration is provided in conditions of equality throughout the country, for both juvenile and adult ex-prisoners.

220. During 1995, release was granted to 1,310 ordinary prisoners in the Federal District and to 1,621 federal prisoners throughout the country. It was also granted to 11,834 ordinary prisoners in the various states, making a national total of 19,265 prisoners who were granted release and placed under the supervision of the post-release assistance boards.

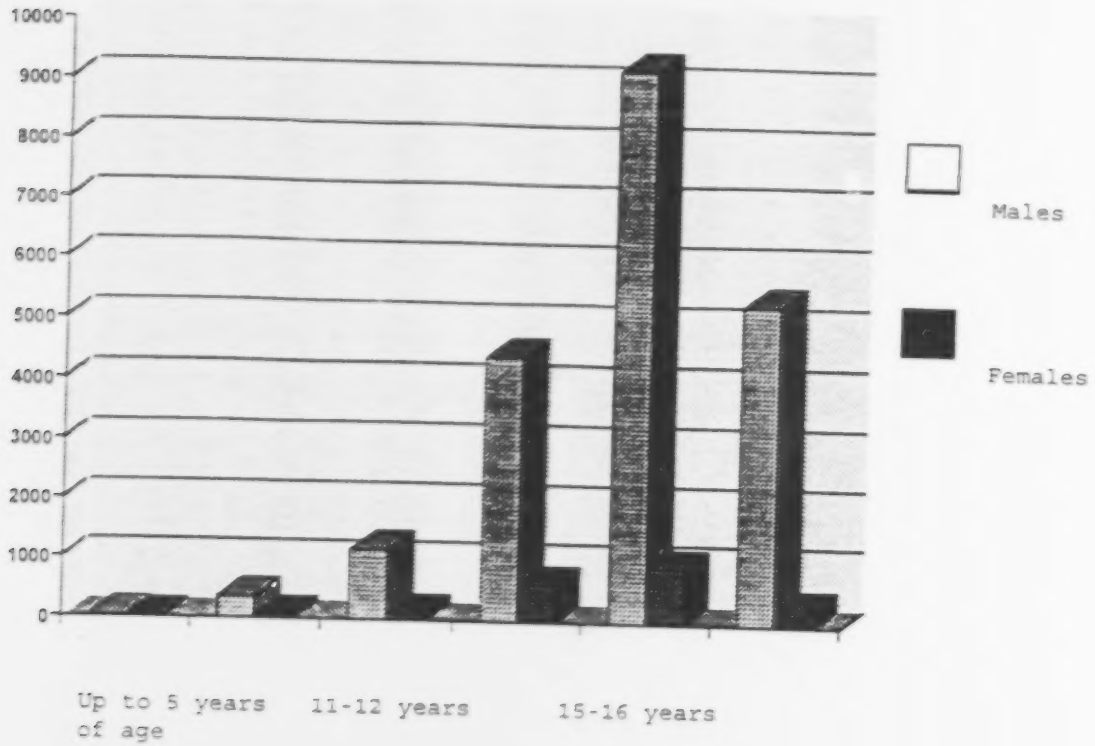
Extent to which juvenile offenders receive special treatment geared to their reform and social rehabilitation

221. In the National Development Plan 1995-2000 stress is laid on the need to deal with the problem of juveniles whose conduct has been antisocial, in order to ensure that they have the opportunity to integrate themselves within society in conditions of dignity, in a wholesome and productive manner, avoiding stigmatization and reoffending.

222. In accordance with the provisions of the Treatment of Juvenile Offenders Act, for ordinary offences in the Federal District and for federal offences in the rest of the country, juvenile offenders are persons aged between 11 and 18 who have broken criminal laws and need to be guaranteed a procedure in which they receive all the possibilities and resources necessary for their defence.

223. Juvenile court judges are authorized to order various treatment measures which may extend to detention in the most serious cases, but in no circumstances for more than five years. Antisocial conduct by juveniles is in many cases related to family situation or the absence of a family; the family's structure and dynamics and whether or not children have been encouraged to participate in society determine behaviour among juveniles.

Admissions to the various custodial institutions by age and sex, in Mexico in 1994



Integration programmes for juvenile offenders

224. It is clearly apparent from the content of the National Development Plan 1995-2000 that there is a need to deal with the problem of juveniles whose conduct has been antisocial in order that they may be guaranteed the opportunity to integrate into society in conditions of dignity, in a wholesome and productive manner, avoiding stigmatization and reoffending.

225. The objectives are: to achieve the integration of juvenile offenders and thereby avert reoffending, and to promote greater opportunities for education, employment, health and access to cultural, sporting and recreational activities.

226. The following courses of action are planned:

Promote the unification of criteria for the establishment of treatment programmes for juvenile offenders at the national level;

Provide basic education for juvenile offenders, emphasizing measures to prevent antisocial conduct and strengthen social and family values;

Organize cultural, sporting and recreational activities in treatment centres;

Promote, in conjunction with governmental and business institutions, the establishment of workshops in treatment centres and employment-oriented technical training programmes.

Measures to guarantee the segregation of convicted and unconvicted prisoners in prison establishments, and difference in the treatment accorded in practice to unconvicted and convicted prisoners; safeguards against the holding of persons incommunicado and against abuses by prison authorities

227. The provisions under this heading are contained in the following regulations and Act.

Regulations of the Federal Social Rehabilitation Centres

Article 3, second paragraph

"The imprisonment of persons in pre-trial detention shall be subject to the terms of article 12, final paragraph, of the present regulations."

Article 12, final paragraph

"If appropriate, and depending on the degree of risk a prisoner is deemed by the Directorate-General of Prevention and Social Rehabilitation to present, unconvicted prisoners or persons being detained by a judicial authority hearing an appeal, may be admitted."

Article 13

"No areas or rooms of the Federal Social Rehabilitation Centres may be set aside as marks of distinction or privilege."

228. The foregoing regulation does not apply to facilities for the individual treatment of special cases or disciplinary treatment; prisoners in these facilities shall have the right to communicate on request with their defence counsel, and the right to medical, psychiatric and psychological care as determined by the Interdisciplinary Technical Council.

229. The prohibition referred to in the last paragraph of the foregoing article does not apply to the setting aside of completely separate areas for the confinement of unconvicted prisoners.

Article 30

"Newly admitted prisoners shall be housed in the observation and classification centre for a period not exceeding 15 days, so that the personality studies on which individual treatment is based can be carried out."

Article 101

"Classification within centres shall be rigorous. Under no circumstances shall a prisoner be regraded without first being reclassified by the prison's Interdisciplinary Technical Council."

Article 102

"All communication between prisoners in different dormitories, modules and sections is prohibited.

Prisoners from different dormitories, modules or sections may not be placed in the same working areas, classrooms or refectories."

Article 105

"The federal centres shall contain facilities for prisoners requiring special treatment. Dangerous prisoners who are liable to jeopardize or undermine security in the prison or who present a threat to other prisoners, shall be placed in such facilities."

Article 91

"Violations of these regulations by staff of Federal Social Rehabilitation Centres shall be punishable in accordance with the relevant legal and regulatory ordinances."

Article 93

"Cases of suspected criminal behaviour shall immediately be reported to an official of the local or federal Public Prosecutor's Office, as appropriate."

Article 129

"In the imposition of punishment, any torture or ill-treatment injurious to a prisoner's physical or mental health is prohibited.

Violation of this provision shall give rise to the penalties laid down in these regulations, without prejudice to any criminal, labour or administrative responsibility that may be incurred by the staff of Federal Social Rehabilitation Centres."

Act establishing minimum standards for the social rehabilitation of convicted prisoners

Article 6, third paragraph

"The place in which pre-trial detention is served shall be different and completely separate from the place where sentence is served. Women and men shall be held in separate locations. Young offenders shall be imprisoned in institutions other than those intended for adults."

Time limits to be observed by prison authorities when applying special security measures or when isolating prisoners in special security cells

230. The legislation is unclear in this area. Time limits are set by the prison authorities in the light of the prisoner's behaviour and attitude.

Measures adopted to safeguard the right of prisoners to receive visitors and maintain contact with the outside world

231. This point is covered by the following articles:

Article 33

"In the Federal Social Rehabilitation Centres, only visits by the following persons may be authorized:

I. The prisoner's family and friends;

II. The prisoner's spouse or partner;

III. Officials;

IV. Defence counsel; and

V. Accredited ministers of religion."

Article 34

"Only the Governor of the centre is empowered to authorize visits by relatives and spouses, taking into consideration the opinion of the Interdisciplinary Technical Council."

Article 35

"The purpose of family visits shall be to preserve and reinforce links between the prisoner and persons from outside with whom he has ties of kinship or friendship."

Act establishing minimum standards for the social rehabilitation of convicted prisoners

Article 12, first paragraph

"During treatment, the prisoner shall be encouraged to establish, maintain or strengthen, as the case may be, relations with appropriate persons from outside. To this end, every prison establishment shall make efforts to develop the prison social service, with the aim of assisting prisoners in their authorized contacts with the outside."

Provisions in force for the functioning of prison establishments as psychiatric institutions, and their supervision by the public authorities

232. This point is covered in this report in the section on article 7 of the Covenant.

Article 11 of the Covenant

Legal position in Mexico regarding imprisonment on the grounds of inability to fulfil a contractual obligation, given that poverty or lack of financial resources is no justification for imprisonment

233. The information provided by Mexico in its three preceding reports remains the same. Under article 17 of the Constitution, no one may be imprisoned for purely civil debts.

Article 12 of the Covenant

Legislation and practice relating to the right to liberty of movement within Mexican territory - not only the right to travel, but also the right to choose or change one's place of residence

234. This point is covered by the following articles:

Constitution

Article 11

"Every person has the right to enter or leave the Republic, travel within its territory and change his place of residence without need for an identity card, passport, safe conduct or any similar document. The exercise of this right shall be subordinated to the powers of the judiciary in cases of criminal or civil liability, and to those of the administrative authorities with respect to the limitations legally imposed on emigration, immigration or public health, or on undesirable aliens resident in the country."

General Population Act

Article 78

"Persons intending to emigrate, in addition to fulfilling the general requirements for migration, are required to:

I. Set forth and submit to the relevant migration authorities any personal or statistical information required of them;

II. Have reached the age of majority or, if they are not of age or are subject to an interdiction, be accompanied by persons with parental authority over them or by their legal guardians, as the case may be, or provide documentary proof that permission has been granted by such persons or by the competent authorities;

III. In the case of Mexicans, provide proof that they are able to comply with all the legal entry requirements of the country to which they are emigrating, having regard to their immigration status;

IV. Request the appropriate documentation from the relevant department and submit it to the migration authorities at their point of departure, not be subject to legal proceedings or a fugitive from justice, and not be constrained by reason of any judicial decision, without prejudice to the provisions of article 109 of this Act;

V. Comply with any other relevant provisions."

Article 15

"In order to enter the country, Mexicans shall provide proof of nationality, submit to a medical examination if this is considered necessary and provide any personal information requested of them for statistical purposes; the migration authorities shall carry out in the case of persons suffering from a contagious disease, formalities if they need to be hospitalized for care in whatever place the health authorities may specify."

Regulations of the General Population Act

Article 52

"Mexicans entering the country shall be required only to provide proof of nationality in the form of one of the following documents:

(a) Passport issued by the Ministry of Foreign Affairs;

(b) Citizen's identity card;

(c) Birth certificate;

(d) Consular registration certificate; or

(e) Any other appropriate document.

If the person concerned cannot provide documentary proof, a sworn statement shall suffice as proof of nationality.

In case of doubt as to the authenticity of the documents produced or the truth of the statement made as proof of Mexican nationality, the migration bureau, after having made the appropriate inquiries, shall take such steps as it deems necessary to ascertain the identity and, where appropriate, the residence of the person concerned.

Diplomatic and consular representatives and officials of the Mexican Government shall only present their passport and complete the appropriate statistical forms.

Mexicans shall submit to a medical examination as and when required and are required to provide any personal information requested of them for statistical purposes."

Requirement for persons to register in a given district, and formalities and/or conditions relating to registration as a resident in a different district

235. The Federal Register of Electors comprises the General List of Electors and the Electoral Roll. The General List contains basic information on Mexican men and women aged over 18, which is obtained by means of the nationwide census technique; the Electoral Roll contains the names of citizens included in the General List of Electors and those who have applied for inclusion on the Electoral Roll.

236. The two parts of the Federal Register of Electors are based on:

Use of the census technique;

Direct self-registration by citizens;

Information provided by the competent authorities on deaths and the granting, forfeiture and restoration of citizens' political rights.

237. It is incumbent on the Federal Electoral Institute to enter citizens in the relevant sections of the Federal Register of Electors and to issue them with a voting card, which is essential for citizens to exercise their right to vote.

238. The census technique involves conducting house-to-house interviews in order to obtain basic information on Mexicans aged over 18 that is then used to ensure that there is no duplication in the General List. Once this information has been collected, the Executive Board of the Federal Register of Electors proceeds to draw up the Electoral Roll and, where applicable, issue voting cards.

239. The Federal Code on Electoral Institutions and Procedures contains the following provisions:

Article 148

"1. An application for inclusion in the General List of Electors may be used for the registration of citizens in the Electoral Roll; registration shall be effected on an individual form on which the following information shall be entered:

(a) Father's surname, mother's surname and all forenames;

(b) Place and date of birth;

(c) Age and sex;

(d) Current address and period of residence there;

(e) Occupation;

(f) If applicable, number and date of issue of naturalization certificate;

(g) Signature and, if applicable, fingerprint and photograph of applicant.

2. Registry staff shall enter on the form mentioned in the preceding paragraph the following information:

(a) State, municipality and location where registration takes place;

(b) Federal electoral district and electoral ward corresponding to place of residence;

(c) Date of application.

3. Any citizen applying for registration under the terms of this article shall be issued with a receipt bearing the number of the application, to be returned on receipt or collection of his voting card."

Conditions for issue of passports and travel documents

240. Ordinary passports: Ordinary passports are issued or, where appropriate, exchanged within Mexico by the Ministry of Foreign Affairs, through its regional offices or administrative units; and abroad by Mexican embassies or consulates.

241. In order to obtain an ordinary passport, any person of Mexican nationality must:

Apply in person;

Request an application form and accompanying forms;

Provide proof of Mexican nationality in the form of a certified copy of a birth certificate, a certificate of Mexican nationality and/or, if applicable, other relevant documents;

Submit to the Ministry satisfactory documentary proof of identity;

Submit photographs in the quantity and form to be determined by the Ministry;

Pay the fees specified under the relevant regulations; and

In the case of men of military age, provide proof that they have fulfilled their obligations to date under the National Military Service Act.

242. Identity and travel documents: The Ministry of Foreign Affairs may, at its discretion, issue identity and travel documents to foreigners, on the following conditions:

In the case of residents of Mexico who have lost their nationality and have not taken another and are consequently considered to be of indeterminate nationality, the identity and travel document shall be valid for a maximum of five years;

In the case of residents of Mexico of specific nationality who have no diplomatic or consular representative who can issue a passport, the document shall be valid for travel to the country named as the applicant's destination and for a maximum of 30 days;

In the case of persons in Mexico who can satisfy the Ministry of Foreign Affairs that there is no possibility whatsoever of their diplomatic or consular representatives issuing them with a passport, the identity and travel document shall be valid for a maximum of one year.

243. The Ministry of Foreign Affairs accepts no responsibility whatsoever for recognition of the identity and travel document by the Governments of other countries and does not attest in any way to the bearer's nationality.

244. Issuance of the identity and travel document does not imply the right of the bearer to return to Mexico. In all cases the person concerned must have the necessary immigration documents.

245. In order to obtain the identity and travel document, the applicant must:

Apply in person;

Request the relevant application form;

Submit the documents issued by the Ministry of the Interior certifying his status as a migrant;

Present, if not a migration document, an exit permit issued by the Ministry of the Interior and specifying, if applicable, the period of absence permitted; certify, if applicable, through the offices of the relevant diplomatic or consular representatives, that a passport cannot be issued; or prove to the satisfaction of the Ministry of Foreign Affairs that such certification is impossible to obtain;

Submit photographs in the quantity and form required by the Ministry of Foreign Affairs; and

Collect the document in person and sign it in the presence of the issuing officer.

Conditions, procedures and authorities responsible for withdrawing a person's passport

246. A person's passport may be withdrawn either by the judicial authorities or by the migration or administrative authorities in the course of their duties, if the document is found to contain any irregularity giving grounds for suspicion that it has been altered from the form in which it was originally issued or that it may have been used in committing an offence.

247. The aforementioned authorities then submit a written request to the Department of Regional Offices of the Ministry of Foreign Affairs for the information on the basis of which the passport was issued and, once they have everything they need to enable them to confirm the irregularities found in the document or ascertain what offences may have been committed, they hand the case over to the competent authorities so that the appropriate legal investigations can be carried out.

248. Similarly, if the Ministry of Foreign Affairs, through its issuing offices, finds a passport that appears to have been tampered with, it requests the relevant background documentation from the Department of Regional Offices; if tampering has been definitely confirmed, the passport is cancelled and withdrawn, and its bearer requested to resubmit the documentation required under the current regulations governing the issue of a new passport.

249. If the documentation gives rise to suspicions that an offence such as impersonation or falsification of documents has been committed, officials in the state concerned are empowered to report the matter to the competent authorities.

250. In the same way, officials in the metropolitan area of Mexico City transmit the relevant documentation to the Department of Regional Offices, which in turn brings it to the attention of the Department of Legal Affairs within the Ministry of Foreign Affairs; if proceedings are taken, a complaint is filed with the competent authorities.

Remedies available for appealing against an unfavourable decision

251. In the case of an unfavourable decision relating to the issue of a passport or identity and travel document, the right of appeal may be exercised or, if appropriate, an amparo action may be brought if a person considers that

the rejection of an application on the grounds that it does not comply with the established requirements constitutes a violation of his rights.

Figures for 1992 to 1996 showing the total number of travel document applications submitted, the percentage refused, and the reasons for such refusals

252. During the period 1992-1996, the Ministry of Foreign Affairs processed a total of 5,903,397 passports and 479 identity and travel documents.

253. In both categories, an estimated 1 per cent of the total number of applications were refused. The reasons for the refusals included the following:

The applicant did not meet the requirements laid down under the current regulations for the issue of such documents;

The documentation submitted was not in order;

The applicant was declared to be subject to an administrative impediment or judicial constraint ordered by a competent authority preventing issue of the document in question.

Restrictions on exercise of the right to freedom of movement within national territory or the right to leave the country by certain categories of persons, such as foreigners

254. The restrictions on exercise of the right to free movement within or outside national territory by a given category of persons, such as foreigners, are established by the following provisions:

General Population Act

Article 13

"Nationals and foreigners wishing to enter or leave the country shall fulfil the requirements laid down in the present Act, its regulations and other relevant provisions."

Regulations of the General Population Act

Article 48

"... migratory movement means the international transit of foreigners or nationals entering or leaving the country.

The Ministry (of the Interior) shall establish, at those points it considers appropriate within the national territory, in particular at borders, airports and seaports, any surveillance that may be necessary."

Article 53

"Foreigners wishing to enter the national territory shall give proof of their status as migrants by providing the relevant documents and, where appropriate, shall comply with the requirements laid down in their entry permits and those which, in accordance with the migration status granted under the Act, must be fulfilled prior to admission to the country."

Article 115

"Foreigners may only engage in the activities expressly authorized by the Ministry (of the Interior) and, if appropriate or necessary, their place of residence shall be indicated on the relevant authorization.

The Ministry (of the Interior) may establish these activities, together with the extent or restriction, it considers appropriate in each case.

In cases where the public interest so requires, the Ministry (of the Interior) may adopt general administrative measures to restrict the place of residence of foreigners or impose conditions on the activities in which foreigners may engage."

Article 139

"Registered foreigners are required to report changes of address, nationality, civil status or activities engaged in within 30 days of the change taking place.

Whenever a foreigner's civil status changes, the judges or officials of the civil registry shall issue a certified copy of the register entry and, if appropriate, a certified copy of the judicial decision. In the case of death, they shall transmit a certified copy of the relevant register entry, together with any immigration documents that had been in the foreigner's possession.

In the case of a change of nationality, the application and the document or a certified copy shall be enclosed as proof."

Article 59

"Mexicans and foreigners shall not be permitted to leave the country in the following cases:

I. Fugitives from justice;

II. Persons who are the subject of criminal proceedings, unless they are in possession of an authorization from the court trying the case;

III. Accused persons on pre-trial or conditional release, unless they have secured permission from the competent judicial authority;

IV. Persons subject to a restriction of movement order, without prejudice to the provisions of article 129 of the Act.

In cases of restriction of movement previously notified to the Ministry (of the Interior), the judicial authority shall notify the Ministry within three days of any decision to waive the order, so that the migration authorities may take note that the impediment has been lifted."

Requirements for foreigners entering national territory

255. In accordance with article 11 of the Constitution, the National Migration Office places no restrictions whatsoever on the exercise of freedom of movement within and outside national territory.

256. The General Population Act and its regulations set forth the requirements for foreigners entering national territory, who are subject to migration status and regulations, and for the activities they intend to carry out in Mexico; these are not substantially affected by a foreigner's country of origin.

257. It is important to note that any individual, whether he be a national or non-national, may bring an amparo action or have recourse to the National Human Rights Commission if he considers that the migration authorities have violated his fundamental rights, including those contained in the Covenant, which, in accordance with article 133 of the Constitution, is the supreme law throughout the country.

Article 13 of the Covenant

Legislation and practice relating to the peremptory expulsion of foreigners who are lawfully within national territory; grounds for expulsion, and judicial and administrative procedures leading to expulsion

258. As stated in the third periodic report submitted by the Government of Mexico, for historical reasons justifying the power conferred by article 33 of the Constitution on the executive branch, it entered a reservation in respect of article 13 of the Covenant when it deposited its instrument of accession.

259. Article 33 of the Constitution applies to foreigners who do not possess the qualifications specified in article 30 and interfere in Mexico's political affairs. It should be emphasized that for 35 years this law has not been applied to any foreigner. This is in line with Mexico's traditional policy of granting asylum to persons persecuted for political reasons.

260. The expulsion of foreigners is regulated by articles 117-126 of the General Population Act. Grounds for expulsion include undocumented entry into

the country, engaging in unauthorized activities and giving false information to the migration authorities or failing to declare the fact that one has been expelled.

261. The expulsion procedure set forth in the General Population Act differs from that specified in article 33 of the Constitution in that it is administrative in nature and observes the guarantees of legality and a hearing. This means that any expulsion order must be based on and justified under the Act and that the person to be expelled must have had a hearing.

Exact number of expulsions ordered between 1992 and 1996, and their reasons

262. Between 1992 and 1996, the migration authorities, i.e. the National Migration Office subordinate to the Ministry of the Interior, carried out 571,000 deportations and expulsions under the General Population Act. Of these, 99 per cent involved undocumented immigration.

Remedies against expulsion orders

263. It should be emphasized that, as stated in paragraph 257, any individual, whether a national or non-national, may bring an amparo action or have recourse to the National Human Rights Commission if he considers that the migration authorities have violated his fundamental rights as embodied in the Mexican Constitution. Once again, this differs from the expulsion of foreigners under article 33 of the Constitution, which states that foreigners whose residence in the country is considered undesirable must leave the country immediately and without court proceedings. This, of course, means that they have no recourse against such a decision.

Extradition process

264. The process of extradition, which is a different concept from expulsion, is governed in Mexico by the International Extradition Act, which was published in the Diario Oficial de la Federación on 29 December 1975 and later amended, as reported in the Diario Oficial on 10 January 1994.

Article 14 of the Covenant

Legislative and other measures adopted between 1992 and 1996 with the specific aim of implementing each of the provisions of article 14

265. The legislative measures adopted between 1992 and 1996 regarding each of the provisions of article 14 of the Covenant include the following:

Constitution

Article 17, second paragraph

"Every person has the right to justice administered expeditiously through the courts within the time limits and under the terms established by law; the courts shall hand down their decisions in timely, complete and impartial fashion. Their service shall be free, and judicial costs are therefore not permitted."

Article 20

"In all criminal proceedings the accused shall enjoy the following guarantees:

I. He shall be freed on bail by the judge immediately upon request, so long as the case does not involve offences of such gravity that the law expressly forbids the granting of bail. In the case of minor offences, the judge may deny bail at the request of the Public Prosecutor's Office if the accused has a previous conviction for an offence classified as serious by the law or if the Public Prosecutor's Office can satisfy the judge that, given the accused's previous behaviour or the circumstances and nature of the offence, his release would put the victim or society at risk.

The amount and form of bail to be set shall be within the means of the accused. In circumstances determined by law, the judicial authority may modify the amount of bail. In ruling on the form and amount of bail, the judge shall take account of the nature, form and circumstances of the offence; the accused's circumstances and his ability to meet his obligations in the proceedings; the damage and harm caused to the victim; and any fine that may be imposed on the accused.

The law shall determine serious cases in which the judge may revoke a release on bail.

II. The accused may not be compelled to testify. Any incommunication, intimidation or torture is prohibited and shall be punished by criminal law. A confession made before any authority other than the Public Prosecutor's Office or the judge, or made before them without the assistance of counsel, may not be admitted as evidence;

III. The name of his accuser, and the nature of and grounds for the accusation shall be made known to him at a public hearing, within 48 hours after being turned over to the judicial authorities, in order that he may be clearly informed of the punishable act with which he is charged and be able to respond to the charge, making his preliminary plea during such hearing;

IV. If he so requests, he shall be confronted with those who testify against him, in the presence of the judge;

V. Witnesses and any other evidence he offers shall be heard; he shall be allowed sufficient time according to the law for that purpose, and shall be assisted in securing the appearance of any persons whose testimonies he requests, provided that they are at the place of the trial;

VI. He shall be tried in public by a judge or jury of citizens who are literate and who live in the place and district where the offence was committed, provided that the penalty for such offence exceeds a one-year prison sentence. In all cases, offences committed by means of the press against public order or the nation's internal or external security shall be tried by a jury;

VII. He shall be furnished with any information from the records of the case he may request for his defence;

VIII. He shall be tried within four months in the case of offences for which the maximum sentence does not exceed two years, and within one year where the sentence exceeds that period, unless he requests an extension for his defence;

IX. From the outset of his trial he shall be informed of his constitutional rights and shall have the right to an adequate defence, whether by himself, by counsel or by a person in his confidence. If he does not wish to or cannot nominate a counsel after having been requested to do so, the judge shall appoint one ex officio. He shall also be entitled to have his counsel present at all trial proceedings, and the latter shall be obliged to appear as often as required; and

X. In no event may imprisonment or detention be extended for failure to pay counsel's fees or for any other financial obligation arising from civil liability or any similar reason. Nor may pre-trial detention be extended beyond the maximum period set by law for the offence with which he is charged. Any prison sentence he may be required to serve shall include the amount of time already spent in detention.

The guarantees provided under paragraphs I, V, VII and IX shall also be observed during the preliminary investigation, in accordance with the terms and limitations prescribed by law; the provisions of paragraph II shall not be subject to any condition. In all criminal proceedings, the victim of an offence or aggrieved party shall be entitled to legal assistance, to redress for damage where appropriate, to assistance by the Public Prosecutor's Office, to emergency medical care whenever required, and to any other benefit stipulated by law."

Federal Code of Criminal Procedure

Article 86, paragraph 1

"Hearings shall be public and the accused shall be allowed to defend himself or be defended by counsel.

If the accused does not understand or speak the language being used, he shall have the right to an interpreter at no charge, to be appointed in accordance with the following provisions."

Article 28

"If the accused, the victim, the plaintiff, witnesses or expert witnesses do not speak or understand Spanish sufficiently well, the court shall appoint, either of its own motion or on application, one or more interpreters who shall faithfully translate the questions and answers to be communicated. If any of the parties so requests, a statement may be written in the witness's language, and this shall be no impediment to translation."

266. Given that no person may be tried or punished for an offence of which he has already been convicted, the Mexican Constitution states:

Article 23

"No criminal trial may go to more than three instances. No person, whether acquitted or convicted, may be tried twice for the same offence. No instance may be passed over."

Degree of effective independence of the judiciary in relation to the executive and the legislature

267. Reference is made to the Constitution:

Article 48

"The supreme power of the Federation is divided, for the purposes of its exercise, into the legislative, executive and judicial branches.

Two or more of these powers may not be vested in a single person or corporate body, nor may the legislature be vested in one individual, save in the case of extraordinary powers granted to the Executive of the Union in accordance with article 29. In no other case, save in accordance with article 131, second paragraph, shall extraordinary legislative powers be granted."

Special military courts for trying civilians in non-extraordinary circumstances, and their jurisdictions

268. Reference is made to the Constitution:

Article 13

"No one may be tried under exclusive laws or by special courts. No person or corporate body shall have privileges or enjoy emoluments other than those given in compensation for public services and set by law. Military jurisdiction shall be recognized for the trial of offences against military discipline, but in no circumstances and for no reason may the military courts have jurisdiction over persons who do not

belong to the army. If an offence of a military nature involves a civilian, the appropriate civil authority shall try the case."

Measures adopted between 1992 and 1996 to establish compensation under the law in certain cases of miscarriage of justice

269. Mexican law contains no provision for compensation in cases where final sentence is passed on the basis of an erroneous judgement, but only the acknowledgement of a convicted person's innocence.

270. In this connection, the Federal Code of Criminal Procedure states:

Article 560

"Recognition of the innocence of a convicted person is based on one of the following grounds:

I. The sentence was based exclusively on evidence that was later pronounced false;

II. After sentence was passed, public documents came to light invalidating the evidence on which sentence was based or the evidence presented to the court on which the charge and verdict were based;

III. After a person has been convicted of the murder of another person who has disappeared, that other person reappears or irrefutable proof that he is alive is presented;

IV. Two persons have been convicted of the same offence and it is shown to be impossible that both of them could have committed it;

V. The convicted person was sentenced for the same offences in different trials. In this case the most lenient of the sentences shall prevail."

Article 561

"A convicted person who believes he has the right to recognition of his innocence shall apply in writing to the Supreme Court of Justice, giving the grounds for his appeal and attaching the relevant evidence or giving assurances that it will be provided in due course."

Article 567

"If the appeal is allowed, the original file shall be sent to the Executive of the Union through the Ministry of the Interior, so that the convicted person's innocence may be recognized without further proceedings.

If the appeal is not allowed, the Supreme Court shall order the file to be placed in the archives and notify the parties."

Article 568, second paragraph

"Decisions on the recognition of innocence shall be communicated to the court that handed down the sentence, so that it may make the appropriate note in the case file. If the person concerned so requests, the decision shall also be published in the Diario Oficial de la Federación."

Criminal Code of the Federal District

Article 49

"Publication of the decision shall also be ordered by way of redress and at the request of the interested party in cases where this person was acquitted, or the alleged action did not constitute an offence or was not committed by that person."

Article 96

"I. If a convicted person is found to be innocent, his innocence shall then be recognized, in accordance with the provisions of the relevant Code of Criminal Procedure and article 49 of the present Code."

Organization of the judiciary in Mexico

271. The Constitution states as follows:

Article 94

"The exercise of the judicial power of the Federation is vested in a Supreme Court of Justice, an Electoral Tribunal, collegiate and single-magistrate circuit courts, district courts and a Federal Council of the Judiciary."

272. One of the first concerns of the Government of President Ernesto Zedillo was to modernize the rule of law, with the central aim of refining the organization and operation of the courts, as the bodies that ultimately uphold the rule of law by interpreting and implementing the law, deciding when it has been infringed and punishing offenders. Far-reaching reforms have been made to the justice system in order to ensure equal access to justice through the courts for all Mexicans, so that people can be quite certain that complaints and proceedings will be dealt with promptly and expeditiously, with honesty and efficiency and in strict conformity with the law.

273. As a first step in this reform, in December 1994 the Federal Executive submitted an initiative which Congress and the state legislatures improved upon and adopted. This resulted in the reform of a number of constitutional provisions aimed at modifying the role of the Supreme Court of Justice and instituting new mechanisms for appointing members; limiting members' terms of office so as to encourage new approaches; providing it with important new areas of jurisdiction in order to make it a true constitutional court; establishing a specialized body to ensure the efficiency and autonomy of the

Federal Judiciary; and laying the groundwork for extending and consolidating the reform of the justice system in the various states.

274. In accordance with articles 21 and 94-107 of the Constitution, the Federal Judiciary (Organization) Act, the aforementioned reforms of the judiciary in December 1994 and the December 1996 political and electoral reform, the structure of the Mexican judiciary is now as follows:

Federal Judiciary (Organization) Act

Article 1

"Judicial power in the Federation is exercised by:

I. The Supreme Court of Justice of Mexico;

II. Electoral Tribunal;

III. Collegiate circuit courts;

IV. Single-magistrate circuit courts;

V. District courts;

VI. Federal council of the Judiciary;

VII. Federal Citizens' Tribunal;

VIII. Courts in the states and the Federal District in cases under article 107, paragraph XII, of the Constitution and in other cases where they are required by law to act as auxiliaries to federal justice."

275. Supreme Court of Justice: The Supreme Court of Justice shall have 11 members and shall meet in plenary sessions or in divisions. The President of the Court shall not be a member of a division.

276. The Court shall have two sessions per year, the first beginning on the first working day of January and ending on the last working day of the first two weeks of July, and the second starting on the first working day of August and ending on the last working day of the first two weeks of December.

277. The plenary shall consist of 11 judges, but 7 shall constitute a quorum. The ordinary sessions of the plenary Court shall be held within the periods referred to in article 3.

278. The Court may hold extraordinary plenary sessions, even in periods of recess, at the request of any of its members. The request must be presented to the President of the Court so that he may convene the session. Plenary sessions dealing with cases under article 10 shall as a general rule be public but shall be closed if the plenary Court so decides. Sessions to deal with cases under article 11 shall be closed.

279. Decisions of the plenary Court shall be unanimous or majority decisions, except in cases under article 105, paragraph I, penultimate subparagraph, of the Constitution, and article 105, paragraph II, which require a majority of eight votes of the judges present. Judges may only abstain from voting if they have a legal impediment or have not been present during the discussion of the case. Judges shall remain in office for 15 years unless they suffer permanent physical or mental disability.

280. The plenary Court shall, on the President's recommendation, appoint a registrar and deputy registrar of judgements. The President shall appoint assistant registrars and clerks of the court as necessary for the handling of Court cases, as well as auxiliary staff as provided for in the budget.

281. Each individual Supreme Court judge shall appoint a clerk of chambers (secretario de estudio y cuenta) in accordance with the provisions of article 115, final paragraph.

282. The registrar, deputy registrar and assistant registrars of judgements, the clerks of chambers and the clerks of the court must have degrees in law.

283. The Supreme Court shall have two divisions, each composed of five judges, with four constituting a quorum. During the periods referred to in article 3, the divisions shall hold sessions and hearings on days and at times to be determined by general agreement among themselves. The divisional sessions shall be open to the public, except in cases which the divisions deem should be closed on moral grounds or in the public interest.

284. Electoral Tribunal of the Federal Judiciary: In accordance with article 99 of the Constitution, the Electoral Tribunal is a specialized body of the Federal Judiciary and, except as provided by article 105, paragraph II, of the Constitution, the highest judicial authority in electoral matters.

285. The Electoral Tribunal shall consist of one upper division and five regional divisions; its judicial decision sessions shall be public. The Tribunal is competent to:

(a) Give a final ruling, without appeal, on challenges to federal elections of deputies and senators;

(b) Give a final ruling, without appeal and at a single hearing, on challenges concerning the election of the President of Mexico. When rulings have been given on all the challenges, the upper division shall make a final count, by 6 September of the election year at the latest, and shall then pronounce the election valid and declare the candidate with the greatest number of votes President-elect.

286. The upper division's statement on the validity of the election and the President-elect shall be communicated to the presiding officers of the Chamber of Deputies by September of the election year, so that the Chamber of Deputies can immediately and without need for further action arrange for the issue and publication of the solemn proclamation referred to in article 74, paragraph I, of the Constitution, etc.

287. The upper division shall consist of seven electoral judges and have its headquarters in the Federal District. Four judges shall constitute a valid quorum and the division's rulings shall be unanimous rulings, qualified-majority rulings where explicitly required by law, or simple majority rulings. At least six members of the upper division shall be present for the statement of validity and the declaration of the President-elect. Electoral judges may only abstain from voting if they have a legal impediment or have not been present during the discussion of the matter. If the votes are equally divided the President shall have the casting vote.

288. The upper division shall appoint a registrar and a deputy registrar of judgements and assistant registrars, clerks of the court and administrative and technical staff as necessary for its smooth operation, in accordance with the Administration Commission's guidelines.

289. Regional divisions: The Electoral Tribunal shall have five regional divisions, which shall be convened by the week in which the regular federal election process begins at the latest, and shall recess when that process comes to an end. The divisions shall consist of three electoral judges and be located in the cities designated as the centres for the groups of electoral districts into which the country is divided in accordance with article 53 of the Constitution and the Act on this question.

290. Each regional division shall elect one of the electoral judges on the bench as president, for each period in which it sits. Each of the regional divisions shall be competent, within its own jurisdiction, to:

(a) Hear as court of sole instance, and give a final ruling without appeal on, appeals brought during the stage of preparation for regular federal elections against actions and decisions by federal electoral authorities other than the General Council, the President of the General Council or the General Executive Board of the Federal Electoral Institute, in accordance with the relevant legislation;

(b) Hear, and give rulings on, challenges brought in federal elections of deputies and senators, during the stage of results and election-validity statements in the regular federal elections, in accordance with the relevant Act;

(c) Hear as court of sole instance, and give a final ruling on without appeal, in accordance with the relevant Act, proceedings aimed at protecting citizens' political and electoral voting rights that may be brought in connection with regular federal elections;

(d) Classify and rule on legal impediments submitted by the electoral judges of a given division;

(e) Apportion tasks for assistant registrars and clerks of the court to be performed outside court premises;

(f) Set the dates and times of its public sessions;

(g) Appoint, in accordance with the general guidelines laid down by the Administration Commission, a registrar, assistant registrars, clerks of the court, other legal and administrative staff, etc.

291. Single-magistrate circuit courts: These shall consist of one magistrate and registrars, clerks of the court and employees as provided for in the budget. Single-magistrate circuit courts shall try:

(a) Amparo proceedings brought against acts of other single-magistrate circuit courts which are not final judgements, in accordance with the provisions of the Amparo Act regarding "indirect amparo" proceedings before a district judge;

(b) Appeals in cases tried in the first instance by district courts;

(c) Remedy of review of leave to appeal;

(d) Evaluations of the impediments, excuses and challenges of district judges, except in amparo actions;

(e) Disputes arising between district judges within its jurisdiction, except in amparo actions; and

(f) Other matters entrusted to it in law.

292. If a magistrate is barred from trying a case, it shall be tried by the next nearest single-magistrate court, taking into account ease of communication, and while the documents are being remitted, the registrar of the relevant court shall take any urgent action and issue procedural orders.

293. If two or more single-magistrate courts are established in one circuit, having identical jurisdiction and location, they shall have a joint court office, which shall take receipt of suits, register them in strict numerical order and remit them immediately to the relevant court in accordance with the rules of the Federal Judicial Council.

294. Collegiate circuit courts: These courts shall consist of three magistrates, one registrar of judgements and as many assistant registrars, clerks of the court and staff as are provided for in the budget.

295. The judges shall draw up a list of cases at least three days in advance and agree on their order. Cases that are dismissed or withdrawn for further consideration shall be discussed within 15 days, and the same case cannot be withdrawn more than once.

296. The judgements of collegiate circuit courts shall be reached unanimously or by a majority of members; members may not abstain from voting without legal excuse or impediment.

297. A circuit judge who disagrees with the majority may express a dissenting opinion, which shall be appended to the final judgement if submitted within five days of the date of the judgement.

298. The collegiate circuit courts are competent to hear:

(a) Direct amparo actions against final sentences, awards or judgements terminating an action, for procedural violations at the decision stage or during the proceedings, whether in criminal, administrative, civil or commercial cases;

(b) Remedies against court orders and judgements handed down by district judges, single-magistrate circuit courts or the presiding judge of the court responsible, in cases under article 83, paragraphs I, II and III, of the Amparo Act;

(c) Remedies of complaint under article 95, paragraphs V-XI, of the Amparo Act, and relating to article 99 of the same Act;

(d) Remedies of review against sentences passed at hearings held under provisions of the Constitution by district judges, single-magistrate circuit courts or the presiding judge of the court responsible in cases under article 85 of the Amparo Act, and appeals against an extradition judgement handed down by the Administration at the request of a foreign Government, or cases where the plenary Supreme Court has exercised its powers under article 94, sixth paragraph, of the Constitution;

(e) Remedies of review established in law;

(f) Jurisdictional disputes between single-magistrate circuit courts or district judges within their jurisdiction in amparo actions, etc.

299. Specialized collegiate circuit courts may be established, to try cases as under the preceding article.

300. District courts: District courts shall be composed of one judge and as many registrars, clerks of the court and staff as are provided for in the budget. When a district-court judge is absent from the court office for a period of less than 15 days, the registrar shall carry out urgent tasks and issue urgent procedural orders and decisions.

301. District-court judges with no special jurisdiction shall try all cases referred to in the present article. If several district courts are established in the same place, and none of them has special jurisdiction or they are all charged with trying cases of the same kind, they shall have one or more joint court offices, which shall take receipt of lawsuits, register them in strict numerical order and forward them immediately to the relevant body, in accordance with the provisions laid down by the Federal Judicial Council.

302. Judges shall be of the following categories: federal criminal judges, district amparo judges for criminal cases, district-court judges for administrative cases, federal district-court judges for civil cases, district-court amparo judges for civil cases and district-court judges for labour actions.

303. Federal Judicial Council: The administration, supervision, discipline and career of members of the Federal Judiciary other than the Supreme Court shall be the responsibility of the Federal Judicial Council, in accordance with the provisions of the Constitution and the relevant Act.

304. The Federal Judicial Council shall at all times ensure the autonomy of the organs of the Federal Judiciary and the independence and impartiality of members of the judiciary. The Council shall be composed of seven councillors, in accordance with article 100 of the Constitution, and shall function as a plenary body or through committees; it shall hold two sessions per year and be chaired by the President of the Supreme Court.

305. The decisions of the plenary Council and its committees shall be a matter of record and shall be signed by the respective chairmen and executive secretaries; the interested parties shall be personally notified without delay. Notification and, where appropriate, execution of these decisions shall be carried out by the organs of the Council itself or those of the district court acting in support of it.

306. The plenary Council shall be composed of seven councillors, but five shall constitute a quorum. The ordinary plenary sessions of the Council shall be closed and shall take place during the periods referred to in article 70 of the Federal Judiciary (Organization) Act, the dates and times to be determined by the Council through general agreement.

307. The plenary Council may hold extraordinary meetings at the request of any of its members. Such requests must be submitted to the President of the Council so that appropriate notice can be given.

308. The decisions of the plenary Council shall be adopted on a qualified majority of five votes. Councillors may not abstain from voting unless they have a legal impediment or if they have not been present for the discussion of the matter in question. If the votes are equally divided, the President shall have the casting vote.

309. The Federal Judicial Council shall establish as many standing committees or variable-membership temporary committees as the plenary may see fit, but shall in any case establish committees on administration, career matters, discipline, the establishment of new bodies and attachment. Each committee shall have three members: one appointed from the judiciary and the other two appointed by the Administration and the Senate.

310. The committee's decisions shall be adopted by a majority vote of members; members may not abstain unless they have a legal impediment. The committees established shall appoint their own chairman and shall determine the chairman's term of office and functions.

311. In all cases where a committee matter cannot be resolved, cognizance and resolution of the matter shall pass to the plenary Federal Judicial Council.

312. The functions of the Council include:

(a) Establishing such committees as it deems appropriate for its proper functioning and appointing councillors to sit on them;

(b) Drawing up internal rules governing the administration, careers, remuneration and disciplinary code of the Federal Judiciary, and taking any general decisions necessary for the proper performance of its functions in accordance with article 100 of the Constitution;

(c) Establishing the rules for, convening and conducting the process of drawing lots in order to fill vacancies on the Council from among district-court judges and circuit magistrates confirmed under article 97 of the Constitution;

(d) Determining the number and territorial boundaries of the circuits into which the territory of the Republic is divided;

(e) Determining the number and, where appropriate, the specialist area of the collegiate and single-magistrate courts in each of the aforementioned circuits;

(f) Appointing circuit magistrates and district-court judges, and ruling on their confirmation, attachment and dismissal;

(g) Accepting the resignations of circuit magistrates and district-court judges;

(h) Approving the compulsory retirement of circuit magistrates and district-court judges;

(i) Suspending from their duties circuit magistrates and district-court judges at the request of the judicial authority trying a criminal case against them. In such cases, the decision handed down shall be communicated to the authority requesting it;

(j) Suspending from their duties circuit magistrates and district-court judges who appear to be involved in committing an offence, and drawing up a report or complaint against them in any cases where this is called for, etc.

313. The Federal Judicial Council shall have an executive secretariat made up of at least the following officials:

An executive secretary for the plenary Council and career matters;

An executive secretary for administration; and

An executive secretary for disciplinary matters.

314. The following auxiliary bodies shall ensure the Council's proper functioning:

- The Federal Advocates' Unit;
- The Institute of the Judiciary;
- The Judicial Inspectorate;
- The Office of the Controller of the Federal Judiciary.

315. Federal Citizens' Tribunal: This tribunal is competent to decide, by verdict, questions of fact referred to it by district-court judges in accordance with the law. The Federal Citizens' Tribunal shall try offences committed through the press against public order or the external or internal security of the nation, and any other offences determined by law. The Tribunal shall be composed of seven citizens designated by lot, in accordance with the provisions of the Federal Code of Criminal Procedure.

316. State and Federal District Courts: The Constitution stipulates the following:

Article 104

"The courts of the Federation shall hear:

I. All disputes of a civil or criminal nature relating to compliance with and implementation of federal laws or the international treaties concluded by the Mexican State. If such disputes affect only private interests, the judges and courts of ordinary jurisdiction in the states and Federal District may also hear them, if the complainant so chooses. Appeals against judgements of first instance may be lodged with the immediate superior of the judge of first instance."

Article 107, paragraph XII

"All disputes referred to in article 103 shall be subject to the procedures and forms under the legal order laid down in law, on the following bases:

XII. Complaints concerning violation of the guarantees set forth in articles 16 (in criminal matters), 19 and 20 shall be brought before the presiding judge of the court committing the violation or before the respective district-court judge or single-magistrate circuit court; in each case the rulings may be appealed against in accordance with the provisions of paragraph VIII.

If the district-court judge or the single-magistrate circuit court is not resident or located in the same place as the responsible authority, the law shall determine to which judge or court the amparo

application must be submitted; the judge or court may temporarily suspend the judgement in question, in accordance with the terms and provisions of the same Act."

Age below which a minor may not be imprisoned for an offence and the maximum age at which a person is still considered a minor

317. This point is dealt with in the section relating to article 24 of the Covenant.

Special courts and procedures, the legislation governing proceedings against minors and the importance attached to encouraging the social rehabilitation of minors

318. This point is dealt with in the sections relating to articles 10 and 24 of the Covenant.

Appeals procedure, access to appellate courts, requirements for the appeal of a decision, and realization of the right to due process in appellate courts

319. The information on this matter is contained in the Federal Code of Criminal Procedure:

Article 359

"The proposed clarification interrupts the period allowed for appeal."

Irrevocable judgements

Article 360

"The following judgements are irrevocable and their execution is mandatory.

"I. Judgements pronounced in first instance and which have been expressly accepted, or against which, once the period allowed by law for lodging an appeal has elapsed, no appeal has been lodged; and

"II. Judgements against which the law provides for no appeal whatsoever."

Remedies

Article 361

"Only those court orders against which this Code does not allow the remedy of appeal may be reconsidered by the deciding court.

"Decisions handed down by appellate courts prior to judgement may also be reconsidered."

Article 362

"The period allowed for lodgement of an application for reconsideration and for offering evidence shall be five days reckoned from the day on which the notification of the decision appealed against takes effect.

"The court shall decide on the admissibility of the application through a hearing of the parties, to be held within 48 hours of notification to the party that did not lodge the application. At the hearing, the evidence shall be presented, the parties shall be heard and a non-appealable decision shall be handed down. If it is not possible during the hearing to conclude the presentation of evidence, the judge may convene one, but only one, additional hearing."

Appeal

Article 363

"The purpose of the remedy of appeal is to consider whether, in the decision appealed against, the appropriate law was not applied or was applied incorrectly, whether the principles governing the assessment of evidence were violated, whether the facts were altered or whether the decision was groundless or incorrect."

Article 364

"Appeal proceedings shall be initiated only upon application by either of the parties, for the purpose of determining the injury the appellant claims to have suffered as a result of the decision appealed against. The injury must be specified upon lodgement of the appeal. The appellate court shall remedy any tort if the appellant is the person tried or, if he is the defence attorney, shall advise that, owing to error, the case was not properly submitted.

"Appeals lodged against decisions handed down prior to a judgement in first instance must be heard by the appellate court before the judgement is pronounced."

Article 365

"The Public Prosecutor's Office, the accused and his defence attorney, as well as the victim or his legal representatives, have the right to bring an appeal, provided they have been recognized by the judge of first instance, as the assistant of the Public Prosecutor's Office, for the purposes of compensation for damages. In such case, the appeal shall be limited to matters relating to compensation for damages and to any precautionary measures needed to secure such compensation."

Article 366

"Only those final judgements in which no penalties are imposed may be appealed to both effects."

Article 367

"The following may be appealed with devolutive effect:

"I. Final judgements acquitting the accused, except those pronounced for offences punishable by no more than six months of imprisonment, or by a non-custodial sentence, under the terms of article 152, paragraph 1;

"II. Orders granting dismissal in cases of article 298, sections III to VI, and orders in which dismissal is denied;

"III. Orders granting or denying suspension of proceedings; granting or denying consolidation of proceedings; granting or denying severance of proceedings; and granting or denying a challenge;

"IV. Detention orders; orders assigning a case to trial; orders declaring a lack of evidence for trial; and orders resolving matters relating to evidence;

"V. Orders granting or denying release on bail; orders granting or denying release due to inadequacy of evidence; and orders resolving any unspecified motion;

"VI. Orders denying an arrest warrant or summons. Such orders may be appealed only by the Public Prosecutor's Office;

"VII. Orders denying search warrants, precautionary measures relating to assets or the granting of bail;

"VIII. Orders by which a court refuses to declare its incompetence as to jurisdiction, or to issue the writ of prohibition referred to in article 436, and

"IX. All other decisions provided for by law."

Article 368

"An appeal may be filed as part of the writ of notification, in writing or by appearing in person, within the five days following a judgement or within the three days following an appeal against an order."

Article 369

"When the accused is notified by the court of the final judgement, he shall also be informed of the period allowed by law for lodging an appeal, which period shall be stated at the trial."

"Failure to comply with this requirement shall result in the doubling of the period allowed for lodging an appeal, and the secretary

or clerk of the court who is responsible for such failure shall be disciplined by the court hearing the appeal and shall incur a fine of five to fifty pesos."

Article 370

"If an appeal has been lodged within the legal time limit, the court which handed down the decision appealed against shall either allow the appeal or reject it outright, whichever applies under the foregoing provisions.

"An order allowing an appeal may not itself be appealed, without prejudice to the provisions of article 374."

Article 371

"Should the appellant be the accused, he shall, if the appeal is allowed, be advised to name counsel to represent him on appeal."

Article 372

"If an appeal has been allowed with both effects, the original copy of the trial transcript shall be delivered to the competent appellate court. If there are a number of accused and the appeal refers only to one or several of them, the court who pronounced the judgement appealed against shall order the official copies referred to in article 531 to be issued.

"In the case of an acquittal, the original copy of the trial transcript may be delivered, unless one or more of the accused did not appeal.

"If the appeal is allowed with devolutive effect, except in the case referred to in the preceding paragraph, the authorized copy of the records or official copy specified by the parties and deemed appropriate by the court shall be delivered.

"The duplicate or official copy must be delivered within five days, failing which the appellate court, at the request of the appellant, shall impose on the lower court judge a fine of five to 15 times the minimum wage.

"In the case referred to in the preceding paragraph, the judge shall deliver to the appellate court, together with the official copy, a report indicating the stage reached in the trial when he made the order appealed against, was for the purposes of the last part of article 364."

Article 373

"Once the trial transcript, the authorized copy of records or the official copy, whichever applies, have been received, the court shall make them available to the parties for a period of three days; if within that time they have not asked for evidence, a day shall be designated on

which it shall be available, which shall fall within 30 days of the end of the first period in the case of final judgements, and within five days in the case of orders.

"To this effect, the Public Prosecutor's Office; the accused, if present, and his defence attorney shall be summoned. Should no defence attorney have been appointed for the hearing, one shall be appointed by the court."

Article 374

"Within the three-day period referred to in the preceding article, the parties may challenge the allowing of the appeal, or the effect or effects thereof, and the court shall make the motion available to the other parties for three days and take the appropriate decision within the three days which follow.

"Should an error in admissibility be declared, the case shall be returned to the court where it was first tried, if it was remitted by that court.

Article 375

"If the parties do not challenge the appeal as provided in the preceding article, the court may declare an error in admissibility, after the hearing is held and, without any review of the decision appealed against, the case file shall be returned, if appropriate, to the court where it originated."

Article 376

"If, within the period for requesting evidence referred to in article 373, any of the parties should request evidence, he shall specify the purpose and nature of the evidence sought. Within three days of the motion, the court shall decide, without further proceedings, whether it is admissible.

"Once production of the evidence has been allowed, it shall be handed over within a period of five days. If the evidence has been presented or has been disallowed, or if the period allotted for handing it over has expired, it shall be called again for the hearing within the period stipulated in article 373."

Article 377

"If the evidence is to be handed over at a place other than that in which the appellate court is situated, the latter shall allow such time as it deems appropriate according to the circumstances of the case."

Article 378

"Personal testimony shall be admitted on appeal only if the facts to which it relates were not the subject of an examination of witnesses at first instance."

Article 379

"Where an appeal has been lodged against a final judgement, the court is empowered to admit evidence that was not requested or submitted at first instance, in order to justify the appropriateness of the suspended sentence and to decide on that sentence once the judgement has been pronounced, even if the fact that such suspended sentence was not granted in the first instance caused no prejudice. In the case of appeals against detention orders, arraignment or release for lack of evidence, the court may order the presentation of any evidence that was not submitted, if the parties request it."

Article 380

"Public instruments are admissible as long as the case has not been declared closed."

Article 381

"The parties may take from the court office whatever notes they may need for pleading the case."

Article 382

"On the day designated, the hearing shall begin with the court registrar presenting a report on the case; next, the appellant shall take the floor, followed by the other parties, in the order indicated by the person presiding over the hearing. If there are two or more appellants, they shall take the floor in the order indicated by the presiding officer."

Article 383

"Once the case has been declared closed, the deliberations shall conclude and the appellate court shall hand down the appropriate decision, at the latest within eight days, confirming, revoking or modifying the decision appealed against."

Article 384

"The provisions of the preceding article notwithstanding, if, following the hearing, the court deems it necessary that any measures be taken for the purpose of explaining its judgement, it may order such measures in order to reach a better decision, and they shall be carried out within the 10 days following, in accordance with the relevant provisions of this Code. Whatever measures may be taken, the case shall be decided within the five days following."

Article 385

"If it is only the defendant or his defence attorney who has appealed, the penalty imposed by the judgement appealed against may not be increased."

Article 386

"Reconsideration of the proceedings shall be ordered at the request of any of the parties, and the complaints on which the request is based must be specified. Complaints in respect of matters to which the injured party had expressly agreed may not be submitted, nor may those giving rise to any decision against which the legal remedy has not been applied for or, if there is no remedy, if the matters complained of are not contested when raised in the trial court."

Article 387

"The provisions of the preceding article notwithstanding, if the appellate court finds that there was a clear violation of procedure resulting in the accused being left without defence, and that it was due solely to the error or negligence of his attorney that the violation was not duly opposed, it may remedy the wrong caused by ordering reconsideration of the proceedings."

Article 388

"The proceedings may be reconsidered for any of the following reasons:

"I. If the accused was not informed, either during the pre-trial proceedings or during the trial itself, of the grounds for the proceedings, or of the name of the persons accusing him of the offence;

"II. If he was not allowed to name a defence attorney and none was appointed for him by the court, as required by law; if he was not afforded the means of informing the attorney of his appointment; if he was prevented from communicating with the attorney or if the attorney was prevented from assisting him in any of the trial proceedings;

"II bis. If the accused did not speak or understand Spanish adequately and was not provided with an interpreter, as required by law;

"III. If he was not provided with any of the information needed for his defence that was available during the trial;

"IV. If he was not confronted with any of the witnesses against him, in cases where witnesses testified in the place of the trial, the accused also being present;

"V. If any of the parties was not summoned to appear at any of the proceedings they were entitled to attend;

"VI. If evidence that any of the parties might have presented, in accordance with the law, was not admitted, and there were no grounds for such non-admission;

"VII. If the trial was not attended by the official required to render judgement, his secretary or other qualified witness, or by the Public Prosecutor's Office;

"VIII. If the jury was empanelled in a manner other than that prescribed by this Code;

"IX. If the accused or his defence attorney challenged one or several of the jurors, and that challenge was submitted in accordance with the legal requirements but was unjustifiably denied;

"X. If the jury was not composed of the number of persons required by law, or if any of its members failed to meet any of the legal requirements;

"XI. If matters other than those prescribed by law were submitted to the jury for decision;

"XII. If the accused was judged by a court of law but should have been tried by a jury, or vice versa;

"XIII. If he was convicted for acts other than those covered by the findings of the Public Prosecutor's Office;

"XIV. If any of the parties was denied the appropriate remedies, or if the application for reconsideration was dealt with unlawfully; and

"XV. If proceedings were taken into account which by law were without force."

Article 389

"Once the parties have been notified of the decision, the writ of execution shall be delivered forthwith to the court of first instance and the case file returned to it, if appropriate."

Article 390

"If the appellate court finds that the conduct of the case was unduly delayed, or that the law was violated during the court proceedings, where the violations do not warrant reconsideration of the proceedings or revocation or amendment of the decision in question, it

shall bring them to the attention of the lower court and may impose a disciplinary measure or refer the case to the Public Prosecutor's Office if the violations constitute an offence."

Article 391

"If the appellate court determines that the attorney failed in his duties by: not having lodged the appropriate appeals; having abandoned the appeals, when it would appear from the records that they would have succeeded; not having adduced at the trial proven facts that would have supported the case of the accused; or having adduced facts not supported by writs, a disciplinary measure may be imposed or the case referred to the Public Prosecutor's Office, if appropriate. If the defence attorney was appointed by the court, the latter must also inform the attorney's superior, calling his attention to the attorney's negligence or ineptitude."

Refusal of leave to appeal

Article 392

"The remedy of review of leave to appeal applies if an appeal has been denied, or is granted only with devolutive effect but could have both effects, even if the ground for the denial is that the applicant for the remedy is not deemed to be a party."

Article 393

"El recurso de denegada apelación procede cuando ésta se haya negado, o cuando se conceda sólo en efecto devolutivo siendo procedente en ambos, aun cuando el motivo de la denegación sea que no se considera como parte al que intente el recurso."

Article 394

"Once application has been made for the remedy, without further proceedings, the court shall order a certificate to be issued within three days, briefly stating the nature and status of the proceedings and the point on which the order appealed against was based, citing it verbatim, as well as the order denying the appeal."

Article 395

"Should the court of first instance fail to comply with the provisions of the preceding article, the interested party may make written application for remedy to the appellate court, which shall order the lower court to deliver the certificate within 24 hours, without prejudice to any liability that may be incurred."

Article 396

"Once the certificate has been received by the applicant, he must submit it to the appellate court within three days, reckoned from the

date on which it was delivered to him, if the court is located at his place of domicile. If the appellate court is located elsewhere, the court of first instance shall set such period as may be necessary, in addition to the three days, taking into account the distances and means of communication, although the total period may not exceed 30 days."

Article 397

"Without further proceedings, the appellate court shall summon for judgement and pronounce judgement within the five days following notification."

Article 398

"If the appeal is declared admissible, or its effect is changed, the court of first instance shall be asked for the statement or case file, as appropriate, so that the second instance may try the case."

Appeal and compulsory review

Article 231

"The purpose of the remedy of appeal is to have a higher court confirm, revoke or modify a judgement pronounced or order made in the court of first instance on matters relating to the grounds of appeal."

Article 232

"The appeal may be allowed with devolutive effect and be suspensive, or with devolutive effect only."

Article 233

"An appeal allowed with both effects immediately suspends the execution of the judgement or order until the appeal has been acted upon, and decisions may meanwhile be handed down concerning the administration, custody and conservation of property judicially embargoed or seized, provided the appeal does not relate to any of these matters."

Article 234

"An appeal allowed with devolutive effect only does not suspend the execution of the appealed judgement or order.

"Where an appeal is lodged against a judgement, a certified copy of the judgement, as well as of the records necessary for its execution, shall be left with the court, and the original case file shall be delivered to the appellate court.

"Where an appeal is lodged against a court order, the decision allowing the appeal shall order the delivery to the court of a copy of the appeal, notices of service and records requested at the time the

appeal was lodged, as well as of those records requested by the other parties, within the three days following notification of the decision ordering deliver of such copy.

"If the appellant does not request any records upon lodging the appeal, the appeal shall be considered not to have been lodged. If the other parties do not make the appropriate request, they shall be sent a copy with the records requested by the appellant.

"In all cases, the copy shall also include such records as are deemed appropriate by the court."

Article 235

"For execution of the judgement or order resolving one of the matters covered by the preceding article, the payment of a security shall first be authorized, as provided for in the first part of article 9.

"The security must be of such amount as to guarantee the return of whatever sum is due, including any interest, compensation for damage and, in general, the restitution of the property in the state it was in prior to execution, should the court revoke the decision."

Article 236

"Once the security referred to in the preceding article has been authorized, the other party may avoid execution of the judgement or order by in turn authorizing the payment of a security sufficient to cover any damages caused by the fact that the decision appealed against was not carried out, pending confirmation by the payment of the security authorized.

"In such case, and in the case referred to in the preceding article, the amount of the security shall be determined at a hearing attended by the other party."

Article 237

"When an der against which an appeal has been allowed with both effects has related to a matter to be settled apart from the main trial, only orders relating to the subject of the appeal shall be referred to the appellate court. However, a copy of any records of the main trial which the parties may request, or of which they may request delivery, shall be delivered, if both parties so request.

"The orders left with the court may include no decision which modifies, revokes or otherwise alters the terms of the decision appealed against, as long as the appeal remains pending. A copy of the latter decision shall be left with the court."

Article 238

"Only decisions concerning transactions exceeding 1,000 pesos in value and those the interest in which cannot be calculated in monetary terms may be appealed."

Article 239

"Any judgements that are appealable under the preceding article shall be so with both effects, except where the law expressly provides that they are appealable only with devolutive effect."

Article 240

"Orders are appealable only if the final judgement in the trial in which they were made is also appealable, where they resolve an interlocutory matter or this Code so provides. Such an appeal may have only devolutive effect; a special legal provision is required for it to have both effects."

Article 241

"The appeal must be lodged with the court which handed down the decision, either by service of notice or at the latest within five days after the case is formally closed, should it concern a judgement, or three days, should it concern an order."

Article 242

"If the appeal has been lodged within the time limit, the court shall allow it without any proceedings, if it is appropriate under the law, and within three days following notification the court shall deliver the original writs to the appellate court, if the appeal was allowed with both effects. If it was allowed with only devolutive effect, the relevant copy shall be delivered as soon as the case is closed."

Article 243

"By the order allowing the appeal, the appellant shall be summoned in order that, within the three days following notification, the appellate court may extend the period allowed for appeal, if appropriate, on the ground of the distances involved."

Article 244

"The petition in which the appellant requests continuation of the remedy shall indicate the prejudice caused to him by the decision appealed against and the reasons why, in his opinion, it was caused."

Article 245

"The appellate court shall advise the parties of its receipt of the writs or copies."

Article 246

"Once the parties have been notified in accordance with the preceding article, the court shall, within the next three days, examine the appeal and determine, firstly, whether it was lodged in due time and whether the decision appealed against is appealable, and, secondly, whether the appellant's petition was submitted in due time and includes the grounds for appeal."

Article 247

"If the decision appealed against is declared not appealable, or if it was not lodged in due time, there shall be no need to decide on the appropriateness of continuing the remedy and on the grounds of appeal. In the contrary case, the order allowing the appeal shall also include a decision as to whether the petition for continuation of the remedy was submitted on time and includes the grounds for appeal."

Article 248

"If the decision appealed against is declared not appealable, or if the remedy is determined not to have been applied for in due time, any orders that may have been sent by the court that heard the case shall be returned to that court, along with a copy of the decision, so that the case may continue to be dealt with, if appropriate, or so that any judgement pronounced may be executed."

Article 249

"If it is determined that the appellant's petition was submitted after the time limit set in the summons, or that it does not include the grounds for the appeal, the latter shall be declared void and the decision declared to have been made executory, whichever applies, any court orders that may have been received ordered returned, and an official copy of the decision shall be delivered to the court which tried the case."

Article 250

"Within one day following service of notice of the writ referred to in article 245, the parties may express their disagreement with the effects with which the appeal was allowed.

"The court shall immediately decide, without possibility of further remedy, in the same writ as that covered by article 246."

Article 251

"If an appeal allowed solely with devolutive effect should be declared admissible with both effects, and the relevant decisions have not been delivered, the court which tried the case shall be asked to send them.

"If an appeal allowed with both effects is declared admissible only with devolutive effect, where the decision appealed against is a judgement, the copy referred to in article 234 shall be sent to the appropriate court; in the case of a court order, the originals shall be returned, leaving the court with a copy of the necessary records, certified in accordance with the provisions of the aforementioned article, together with a copy of such documents as the parties may request, within the three days following the relevant notification."

Article 252

"In the order declaring that the requirements for consideration of the appeal have been met, that the orders have been received or, in the cases referred to in the previous article, that the relevant copy has been sent, a written statement of the grounds of appeal shall be ordered and sent to the other parties, within five days in the case of a judgement, or three days in the case of an order."

Article 253

"Only in the appeal of judgements or orders resolving an interlocutory matter shall the parties be allowed to submit evidence in the appellate proceedings, provided the evidence was not received in the court of first instance due to factors beyond the parties' control, or relates to defences subsequent to the submission hearing in the court of first instance or to earlier defences of which the interested party had no knowledge prior to the case hearing.

"Defences may be put forward and documentary evidence produced until such time as the case is heard."

Article 254

"A period of 10 days shall be allowed for receipt of the evidence referred to in the preceding article."

Article 255

"Except in the cases referred to in article 253, the court shall limit itself to evaluating the facts as they have been proven in the court of first instance."

Article 256

"By the order calling for a transcript of the grounds of appeal, the parties shall be summoned for the hearing of arguments, which shall

take place within the 10 days following the conclusion of the period allowed for sending the notification, but, if a period is allowed for the production of evidence, the summons shall be without effect, and the hearing shall be held within the 10 days following the conclusion of the said period, the hearing being conducted in the manner prescribed for the final hearing of the trial. If the decision appealed against is a court order that does not resolve an interlocutory matter, in no case shall a period be granted for producing evidence, and the hearing of charges shall take place within five days following the conclusion of the period allowed for sending notification of the complaint, with the decision to be reached within five days after the hearing."

Article 257

"Once the judgement has been announced, a copy of it and of the service of notice shall be sent to the court which is hearing, or which heard, the case in the first instance, and the decisions returned to it, if appropriate."

Article 258

"The purpose of the compulsory review of certain judicial decisions that is required by law is to study the case in its entirety, unless the same law restricts it to specific matters, in order to confirm, amend, or revoke the judgement of the lower court. The provisions of this chapter shall be observed in the review and its findings insofar as they are applicable."

Refusal of leave to appeal

Article 259

"Leave to appeal shall be refused if no appeal is allowed."

Article 260

"The appeal shall be lodged with the service of notice, or at the latest within three days after the case is definitively closed.

"On lodging the appeal, the appellant shall indicate which records he wishes included in the official copy referred to in the following article."

Article 261

"The judge, without any proceedings and without suspending the ongoing proceedings in the case, shall order the compulsory admission of the appeal, in all cases, and shall authorize the issuance of an official transcript to include, in addition to the decision ordering issuance and notice of service, the application for leave to appeal and notice of service, the decision to deny the appeal and notice of

service, any records deemed pertinent by the court and any records requested by the other parties within the three days following service of the writ ordering the issuance."

Article 262

"If the appellant or other parties have not made the request referred to in the preceding article, the official transcript shall be issued only with such documents as have been requested, as well as any documents specified by the judge.

"The official transcript shall be delivered within five days."

Article 263

"In the order referred to in article 261, the judge shall, within a three-day period which may be extended if necessary, on the grounds of the distances involved, summon the appellant to appear before the appellate court in order to continue the remedy."

Article 264

"If the court, on receipt of the motion referred to in the preceding article, already has the official transcript in its possession, it shall of its own motion determine whether the appellant has appeared on time to continue the remedy. If it transpires that the motion was not made on time, it shall be declared null and void by the court, and this decision shall be conveyed to the sitting judge.

"If the continuation of the remedy is declared to have been made on time, the same decision shall include a determination as to the effect with which it was allowed by the lower court, should it not appear from the official transcript that the refusal was filed too late, in which case the decision admitting the refusal shall be overturned and the result communicated to the lower court.

"Should the court not have the official transcript before it when it receives the motion referred to in the first paragraph of this article, it shall order the motion to be set aside until the transcript is received, and once it has arrived, it shall proceed appropriately.

"When the transcript is received, and from it it appears that the time limit for extending the appeal has already lapsed, it shall be declared null and void by the court and that fact conveyed to the sitting judge."

Article 265

"If the effect of admission of the appeal is overturned and the appeal declared admissible with both effects, the lower court shall be ordered to deliver the decisions.

"If the appeal is declared admissible with devolutive effect, delivery of a copy of the records requested by the parties and by the judge shall be ordered, should the records contained in the notification of refusal of leave to appeal not be considered sufficient, in the case of an appeal against an order, or delivery of the orders themselves, in the case of a final judgement. In the former case, the period allowed for the parties to specify which records they wish to receive shall be reckoned from the date of notification to them by the lower court that it has received the decision of the appellate court."

Article 266

"The appellate court shall proceed in the manner provided in the preceding chapter."

Joint provisions

Article 267

"Remedies may not be abandoned."

Article 268

"Should a final judgement be pronounced while an appeal is pending, and the judgement is not being appealed, after the sentence is made executory it shall be communicated to the court which is hearing the appeal, so that the court may declare it without substance and order the case closed. Should the judgement be appealed, the admission of the appeal shall be communicated to the court hearing the appeal then pending, so that the latter may deliver the file to the court that is to hear the appeal against the judgement and in turn rule first on the pending appeal and then on the appeal against the judgement.

"If an appeal pending against an interlocutory decision is successful, the appeal court shall then pronounce its final judgement, provided the outcome of its interlocutory decision does not, and cannot, influence the decision on the appeal pending against the judgement. Otherwise, it shall grant postponement of its final decision until the lower court discharges its responsibility on the interlocutory matter. Within five days of its having done so, the lower court shall inform the appeal court that it has discharged that responsibility and the latter court, within the same period of time, shall summon the parties in order to pronounce the judgement on the merits that will resolve the matter at issue.

"The provisions of the preceding paragraph are not applicable should the interlocutory decision order a reconsideration of the proceedings, in which case the appeal pending against the final judgement shall be declared without substance.

"If the pending appeal relates to an interlocutory matter, separate from the main issue and unrelated to developments in the

interlocutory proceedings, it does not remain without substance by virtue of the fact that the final judgement is not being appealed."

Article 269

"In cases tried exclusively by the Supreme Court of Justice as the sole instance, no decision by the full panel of judges may be appealed."

Legal formalities

Article 270

"Judicial acts and motions may be effected in any form whatsoever, as long as the law has not provided for a particular form."

Article 271

"Judicial acts and motions must be written in the Spanish language. Anything submitted in writing in a foreign language shall be accompanied by its translation into Spanish. Dates and numbers shall be written out in letters."

Article 272

"In judicial acts, no abbreviations shall be used, nor shall any erroneous phrases be scratched out, but may only have a thin line drawn through them, with the mistake clearly identified at the end of the sentence. Words written between lines shall also be preserved."

Article 273

"All statements before the courts shall be made under oath to tell the truth and with knowledge of the penalty incurred by any person who commits the offence of perjury in judicial statements."

Article 274

"Hearings shall be public in all courts, with the exception of those which, in the opinion of the court, should be held in camera. Consent shall be reserved."

Article 275

"The judge shall personally receive all statements and shall preside over all evidence proceedings.

"In collegiate courts, the government attorney has all the powers and obligations of the single judge, up to the summations in the final hearing of the trial. The summations shall take place before the members of the collegiate court, and the draft judgement shall be drawn up by the government attorney.

"Complaints by parties of breaches of procedure shall be reserved, and a decision regarding them shall be taken when the judgement is pronounced. Should it be deemed necessary, the government attorney shall be ordered to conduct any unduly omitted proceedings, or to order reconsideration of the proceedings in that part or those parts which are indispensable in order for the claimant not to be left without defence, following which the hearing of the complaints shall be repeated and a decision handed down."

Article 15 of the International Covenant on Civil and Political Rights

Recognition in national law of the principle of non-retroactivity of criminal laws and application of that principle

320. With regard to this question, the Mexican Constitution provides as follows:

Article 14

"No law shall have retroactive effect against any person."

Civil Code for the Federal District

Article 5

"No law or governmental provision shall have retroactive effect against any person."

Effective application of laws enacted after an offence has been committed and which impose less severe penalties than those applicable at the time the offence was committed

321. In this regard, the Penal Code for the Federal District provides as follows:

Article 117

"Any law which abolishes or amends the classification of an offence annuls the corresponding criminal action or penalty, in accordance with the provisions of article 56."

Article 56

"When a new law comes into force between the time an offence is committed and the termination of the sentence or security measure, the provisions of the law most favourable to the accused or sentenced person shall apply to him.

"The authority trying the case or executing the penalty shall of its own motion apply the most lenient law. Should the defendant have been sentenced to the minimum or maximum term provided for and that term is reduced by good behaviour, the provisions of the more lenient law shall apply. Should the person concerned have been sentenced to a term

between the minimum and maximum periods, the length of the term to be served shall be the arithmetical mean of the two, in accordance with the new law."

Specific situations in which the law changes during the trial, and application of the new law when the defendant has been convicted and is serving a sentence in accordance with an earlier, less lenient law

322. With regard to this question, the Penal Code for the Federal District provides the following:

Article 52

"The judge shall determine the penalties and security measures he deems fair and appropriate within the limits specified for each offence, based on the seriousness of the offence and the degree of culpability of the perpetrator, taking into account:

I. The magnitude of the prejudice caused to legally protected rights or the danger to which those rights may have been exposed;

II. The nature of the action or omission and the means used to execute it;

III. The particulars of time, place, manner or occasion of the act;

IV. The form and extent of the perpetrator's involvement in the commission of the offence, as well as his moral qualities and those of the victim or offended party;

V. The age, upbringing, education, habits and economic and social status of the person concerned, as well as the motives that led him or made him decide to break the law. Should he belong to an indigenous ethnic group, that group's traditions and customs shall be taken into account;

VI. The previous behaviour of the accused with regard to the offence committed; and

VII. Other personal factors concerning the perpetrator at the time the offence was committed, as long as they are relevant in determining whether he might have adapted his behaviour in accordance with the law."

Article 16 of the International Covenant on Civil and Political Rights

Information on the point at which the law recognizes legal personality and at which the individual may be a subject of law; the situation of juveniles and unborn children

323. On this matter, the Constitution of Mexico provides as follows:

Article 1

"Every person in the United Mexican States shall enjoy the guarantees granted by this Constitution, which may be neither restricted nor suspended, except in such cases and under such conditions as are herein provided."

Article 3

"Every person has the right to an education...."

Article 4

"Every person has the right to the protection of his health...."

"Every family has the right to decent and proper housing...."

Article 9

"The right to assemble or meet peacefully for any lawful purpose may not be restricted."

Article 10

"The inhabitants of the United Mexican States are entitled to have arms in their possession in their homes for their protection and self-defence, except such as are expressly forbidden by Federal law or which are reserved for the exclusive use of the army, the navy, the air force or the national guard...."

Article 11

"Everyone has the right to enter and leave the Republic, to travel through its territory and to change his residence without the need for a letter of security, passport, safe-conduct or any other similar requirements...."

Civil Code for the Federal District

Article 2

"Legal capacity is the same for men and women. Consequently, women are not subject, by reason of their sex, to any restriction on the acquisition and exercise of their civil rights".

Article 22

"The legal capacity of natural persons is acquired through birth and is lost through death; but from the time a human being is conceived, he enters under the protection of the law and is considered to have been born for the purposes enunciated in this Code".

Article 23

"Minority, physical incapacity, a state of interdiction and other physical incapacities established by law are restrictions on legal personality which shall not impair the dignity of the person concerned or jeopardize the integrity of the family; however, incompetent persons may exercise their rights or enter into obligations through their representatives".

Measures to guarantee recognition of the legal personality of the individual in all places, even in situations in which the person concerned is not in Mexico but continues to be governed by the law

324. On this point, attention is drawn to the following provisions:

Constitution

Article 11, (second paragraph)

"The exercise of this right shall be subject to the powers of the judicial authority in cases of criminal or civil liability, and to those of the administrative authority as regards the limitations imposed by the laws on emigration, immigration and public health, or on undesirable foreigners resident in Mexico".

General Population Act

Article 76

"With regard to emigration, it is the responsibility of the Ministry of the Interior to:

II. Order measures for collaboration with the Ministry of Foreign Affairs aimed at the protection of Mexican emigrants".

Article 17 of the Covenant

Remedies against violation of this right and extent to which they are used by victims, and also results of complaints

325. Precautionary measures constitute a prompt and exceptional procedure provided for in the National Commission on Human Rights Act to avert the irreparable perpetration of reported or alleged violations of human rights, and also to avert damage to the victims for which it is difficult to provide redress. These may be preservation measures or restitution measures, depending on the nature of the case.

Practical measures adopted between 1992 and 1996 to prevent future violations, such as training for police officers and public servants, and penalties for arbitrary behaviour by public officials

326. The Mexican Government's information on practical measures to prevent future violations, such as training for police officers and public servants,

and penalties for arbitrary behaviour by public officials is contained in the section of this report relating to article 7 of the Covenant.

327. On the question of penalties imposed on public servants for arbitrary behaviour, however, it should be added that during the CNDH's six and a half years of activity and as a result of its recommendations and conciliation activities, a total of 2,567 public servants have been punished, including 1,173 federal employees, 1,330 state employees and 64 municipal employees. A book entitled "Lucha contra la impunidad" (Combating impunity) has been published giving details of the names and posts of the public servants punished during the period 1990-1995; it is annexed to this report.

Article 18 of the Covenant

Information concerning measures guaranteeing the absolute right to have a religion, and also the right to manifest one's religion and the legal restrictions imposed on free manifestation of religion

328. Freedom of belief and practice of worship are expressly recognized and guaranteed by article 24 of the Constitution, which stipulates that every person is free to profess the religious belief of his choosing and to practise the relevant ceremonies, devotions or acts of worship provided they do not constitute a punishable offence.

329. As a result of the constitutional reforms approved in December 1991, the Religious Associations and Public Worship Act was adopted as a law establishing regulations for article 130 of the Constitution. This Act is based on freedom of religious belief as established by the Constitution. It establishes the following rites of the individual: to have and adopt the religious belief of his choosing and, individually or collectively, to practise his preferred acts of worship or rites; not to profess religious beliefs, to refrain from practising religious rites or acts and not to belong to a religious association; and not to be the subject of any judicial or administrative inquiry into the manifestation of religious ideas.

330. The Act establishes a number a series of obligations on religious associations, which are required always to conform to the Constitution and the resulting laws, to respect the country's institutions, and to refrain from pursuing profit or primarily financial purposes.

331. It further stipulates that persons, churches and religious groups that are not registered as religious associations do not have the right to enter into any type of legal acts for the purpose of achieving their object, to participate alone or in association with natural or legal persons in the constitution, administration, maintenance and functioning of private assistance institutions, schools or health institutions, to use exclusively for religious purposes property belonging to the nation, or to enjoy any other rights conferred by the Act on the question or other laws.

332. It also establishes the possibility that foreigners may practise as ministers of religion, provided they produce proof of their legal entry and

residence in Mexico and that they are not prevented from engaging in this activity by their immigration status, under the terms of the General Population Act.

333. Acts of public worship must ordinarily be held in churches. They may exceptionally take place outside churches only when their organizers give at least 15 days' advance notice to the federal authorities or the competent authorities in the Federal District, state or municipality concerned. Meetings of a political character may not be held in churches. Acts may be prohibited, on the basis of a reasoned decision, only for reasons of security, the protection of health or morals, public order and protection of the rights of third parties.

334. The Act also establishes the following as offences: associating for political purposes, and engaging in proselytizing or propaganda of any kind in favour of or against a candidate, party or political association; abusing national symbols or in any way calling for their rejection; instigating behaviour injurious to the health or physical integrity of individuals; using physical violence or moral pressure, through assault or threats, for the purpose of attaining one's objectives; distorting the purposes of the associations in such a way that their religious nature is lost or seriously jeopardized; converting a religious act into a meeting of a political character; expressing opposition to the country's laws or institutions at public meetings, etc.

335. Legal personality as a religious association, as acquired by churches or religious groups, constitutes the starting-point for establishing and developing the relationship between the State and the churches.

336. It has been a constant concern of the Ministry of the Interior to guarantee the values of liberty, plurality, tolerance, equality and firm commitment to legality in religious matters. In the context of the modernization of relations between the State and the churches, the Ministry has constantly made a point of disseminating the legal instrument which establishes the principles, rights, obligations and procedures on which religious activity is based, and has organized regional symposiums aimed at extending the framework of the criteria for the application and enforcement of the law in this area; these criteria are directed at religious associations, private individuals, professional associations and authorities at the three levels of government - federal, state and municipal. By this means it is endeavouring to ensure that more Mexicans have a basic knowledge of the provisions which govern relations between the State and the churches, and thereby to promote a culture of tolerance and respect for religion within society.

Detailed information on the existence of different religions and statistics on members by religion

337. As at 17 March 1997, 4,642 religious associations were registered. National statistics relating to creed are appended to this report (annexes V and VI).

338. As regards members of the various religions, it should be made clear that the law does not require a minimum number of members and this point does not appear in the application for registration submitted by churches and groups. The law simply requires that religious activity should have been carried out for a minimum of five years and that the church or group should have a substantial following (Religious Associations and Public Worship Act, art. 7, para. 11). Nevertheless, the Catholic Church has stated that 90 per cent of all Mexicans profess this religion, while the Evangelical churches have some 20 million followers, amounting to 20 per cent of the population.

Information concerning the use of places of worship, and the publication and distribution of religious texts

339. With the adoption of the above-mentioned Act, the assets of religious institutions have been divided into three major categories:

A. Property belonging to the nation

340. This category comprises property open for public worship prior to 28 January 1991. As to regularization in favour of the Federation, there are three possible situations:

(a) Nationalized property: when there is a title in favour of the Federation through donation, declaration of nationalization or judicial ruling;

(b) Property in the process of nationalization: ownership proceedings under way; or

(c) No regularization proceedings under way.

B. Property which may pass into ownership by religious associations

341. This category includes property which was open for public worship after 28 January 1991 and which, following a declaration of lawfulness issued by the Ministry of the Interior, religious institutions have acquired primarily through donation or purchase.

342. It should be pointed out that some of this property is situated in the so-called restricted zone (coasts and frontiers). However, the Foreign Investment Act and its regulations are not applicable to religious associations since their ultimate purpose and aims are not to make investments, and their members do not fall into the category of investors. This is based on the following provision.

343. Religious associations are legal persons constituted in accordance with the law and their representatives are required to be of Mexican nationality. Consequently, they are not in the situation covered by the last part of article 27, paragraph I, of the Constitution, which prohibits foreigners from purchasing real estate in the restricted area. In addition, by law religious associations may not pursue profit or primarily financial purposes, with the

result that the purchase of property within the restricted area is permissible under chapter III of the Religious Associations and Public Worship Act relating to declarations of lawfulness.

C. Leased or commodatum property

344. This covers property opened for public worship after 28 January 1991. Religious associations only have the use of such property, on the basis of a contract with the owner (natural or legal person).

345. On the question of the publication and distribution of religious texts, it should be noted that the above-mentioned Act does not establish any prohibition, since this forms part of the propagation of a doctrine. In this type of activity, however, the religious institutions must refrain from pursuing profit or primarily financial purposes, as well as ensuring that the provisions of this Act and other applicable legislation are not breached.

Measures adopted between 1992 and 1996 to prevent and punish offences against the free exercise of religion by each person, and application of the principle of non-discrimination on religious grounds

346. The constitutional reforms of 1991 gave rise to the Religious Associations and Public Worship Act, which establishes the right of the individual not to be subjected to any judicial or administrative investigation as a result of having manifested religious ideas, not to be discriminated against, coerced or harassed because of his religious beliefs, and not to be compelled to declare those beliefs. Similarly, it stipulates that the State may not establish any kind of preference or privilege to the benefit of any religion, or act to the benefit of or against any church or religious group.

347. In November 1992, the Department of Religious Affairs was established with responsibility for supervising the implementation and observance of legislation relating to religious worship and external discipline. Subsequently, in 1995, in order to place the treatment of religious affairs on a higher footing, the Under-Secretariat for Legal Affairs and Religious Associations was established.

348. It should be noted that our legislation does not categorize as an offence behaviour involving religious intolerance; even the Religious Associations and Public Worship Act does not establish penalties for such behaviour. This behaviour is engaged in by private individuals, including ministers of worship, and officials. Nevertheless, it almost always also involves unlawful acts such as discrimination, harassment, persecution, administrative obstacles, improper application of the law, complicity, expulsion, threats, illegal deprivation of freedom, withholding of public services, assault, exerting moral pressure, etc.

349. In cases of religious intolerance by private individuals or ministers of worship, once the complaint has been lodged and the relevant case file instituted, these documents are sent to the state and municipal authorities, and to the competent Government Procurator's Office when such action is justified, in order that the relevant investigations may be carried out and, where appropriate, the necessary preliminary inquiries made.

350. In the case of officials who encourage such intolerance, the Ministry of the Interior does not have the power to impose any kind of administrative penalty, even though it is the authority responsible for the enforcement of the above-mentioned Act. However, in order to discharge its responsibility, it intervenes by notifying the authorities concerned of the complaints lodged against them and the legal provision alleged to have been violated; it requests them to conform to this provision and to provide a detailed report on their action.

351. In order to promote a speedy solution, official communications are addressed to the competent superior bodies, including local congresses, when such action is considered necessary in the light of the seriousness of the case, in order that they may impose the penalties established by law.

352. All matters of this nature are monitored by the offices of the Ministry of the Interior in the various states.

353. Once the Ministry has sufficient information concerning a case of religious intolerance, it addresses an official communication to the persons directly concerned, drawing their attention to the constitutional and legal framework concerning freedom of belief, the practice of public worship, and the specific offences they are alleged to have committed by behaving in a manner at variance with the religious rights established in the Constitution and the above-mentioned Act, and calling on them to refrain from such behaviour.

354. From the establishment of the Department of Religious Affairs to 1996, 137 case files were instituted for instances of religious intolerance.

355. Another measure aimed at eradicating religious intolerance is the dissemination of the applicable legislation. In this connection, the Ministry of the Interior has so far distributed over 15,000 copies of the Religious Associations and Public Worship Act. In addition, it has organized 15 symposiums in various states during the period covered by this report. These have been attended by representatives of institutions within the federal, state and municipal governments, notaries' associations, various professional associations and NGOs, and representatives and persons holding powers of attorney for religious associations.

Procedures to be followed for the legal recognition, authorization or tolerance of the various religious faiths in Mexico

356. Procedure: The procedure for the registration of churches and groups as religious associations is as follows:

(a) Consultation:

This consists in giving information to the persons interested in giving their religious group the status of a religious association, and guidance on property matters or on any change or modification within the institution. They are given information on the legal framework and the necessary instructions to enable them to complete the relevant formalities;

(b) Checking of denomination:

When the application has been received, the Department of Registration and Certification checks that the denomination proposed by the religious group is not registered by any other association, since the denomination must be exclusive;

(c) Registration of application:

When the application for registration has been received, the database on the group is set up and includes: denomination, control number, address, telephone numbers, representatives and persons holding powers of attorney;

(d) Analysis and decision:

The documentation is examined to ensure that the application for registration fulfils the requirements established by law;

(e) Request for further documentation:

In the event of failure to supply certain documents or fulfil requirements necessary in order to complete the registration, a request is addressed to the legal representative of the institution;

(f) Discontinuance of consideration:

If there is no reply to the above-mentioned request for information, an announcement of discontinuance of consideration of the application is drawn up on the grounds that it does not satisfy the relevant legal requirements;

(g) Publication:

When the application for registration has been examined and found in order, the relevant decision is drafted, and an extract of the application is published in the Diario Oficial;

(h) Foreign status agreement:

The foreign status agreement concerning the future religious association is also dealt with by the Ministry of Foreign Affairs;

(i) Challenge:

Publication of the application for registration in the Diario Oficial gives an opportunity for a third party (natural or legal person) to challenge the application and assert any right he claims. Where appropriate, the Department of Legal Instruments considers the challenge in order to reach a determination in accordance with law; if the injured third party is found, in accordance with the applicable legal provisions, to be in the right, the application will be ruled inadmissible;

(j) Drafting of the certificate and official entry:

If no challenge has been entered, the authorities proceed to draft the registration certificate, and also the corresponding official entry, which is the registration system used to accredit the legal constitution of the religious association; this entry is updated in accordance with the various movements and changes that occur within the institution;

(k) Delivery of the certificate:

Lastly, the authorities deliver to the legal representative of the religious association the documents certifying its constitution, namely the certificate of registration, the official decision, and any communication from the Ministry of Foreign Affairs relating to the foreign status agreement.

357. Requirements: The requirements which must be fulfilled by churches or religious groups in order to be registered as a religious association are as follows:

(a) Completed application addressed to the Under-Secretary for Legal Affairs and Religious Associations, for the attention of the Director-General for Religious Affairs, Liverpool No. 3, Colonia Juárez, Delegación Cuauhtémoc, Federal District, P.O. Box 06600, signed by the officers of the church or religious group;

(b) Official name of the church or religious group, which, if the application is found to be admissible, will be that under which the religious association in question is registered and which may in no circumstances be the same as that of previously registered associations;

(c) Legal domicile of the church or religious group, which shall in all circumstances be that which the Ministry uses for correspondence purposes, and also for any kind of notification; the telephone number and fax number, if any, should also be indicated;

(d) Names of the officers of the church or religious group in question who, under the terms of article 11 of the Act, will be the representatives of the religious group, and must be of Mexican nationality and of full age (which must be accredited by means of certified copies of their birth certificates);

(e) List of associates who, under the terms of article 11 of the Act, are persons of full age who provide evidence of associate status in accordance with the statutes of the church or religious group, specifying their nationality and appending a copy of the document addressed to the church officers referred to in the previous subparagraph expressing their agreement to establish the religious association;

(f) List of ministers of worship who are members of the church or religious group, with proof of their nationality (certified copy of their birth certificate) and their appointment, appending a copy of the communication addressed to the officers referred to in subparagraph (d) expressing their agreement to establish the religious association. It should be noted that, in accordance with the provisions of article 12 of the Act,

ministers of worship are all those persons of full age on whom the churches or religious groups to which they belong confer this status, or those who, as their principal occupation, perform executive, representational or organizational functions;

(g) Where appropriate, the duly accredited person granted power of attorney by the church or religious group. This may be accredited through a communication addressed to the Director-General of Religious Affairs within the Ministry of the Interior, signed by the church officers, in which a specific person or persons is granted the status of legal attorney, and specifying the powers granted to this attorney;

(h) Statutes of the church or religious group, which must contain, inter alia:

(i) Fundamental bases of its doctrine;

(ii) Purpose;

(iii) Governing organs or authority (designation, powers, duration and removal of powers);

(iv) Internal organization;

(v) Provisions on internal discipline;

(vi) Requirements for acquisition of the status of associate or minister of worship;

(vii) Procedure for the voluntary separation or incorporation of associates or ministers of worship, and of property which the latter have contributed to the purposes of the institution; and

(viii) Where appropriate, description of the entities, divisions or other forms of internal organization within the institution, and also their specific activities.

(i) List of churches, dioceses, manses, seminaries, homes, convents or any other type of building intended for the administration, propagation or teaching of a religious creed, specifying:

(i) Name of the building;

(ii) Location;

(iii) Person responsible for it;

(iv) Legal situation of the building, i.e. whether it is nationalized, in the process of nationalization, or other relevant information;

(v) Records or documents testifying to the legal situation referred to in the previous subparagraph; and

(vi) Date on which it was opened for public worship.

(j) Where appropriate, list of assets which may become the property of the religious association, specifying:

(i) Location;

(ii) Copy of the title to the property, or document recording acquisition under the terms provided for by law;

(iii) Whether the property is under ejido or communal ownership; and

(iv) Date on which the building was opened for public worship and purpose of the building.

(k) Written declaration, signed by the church officers on oath, that the property listed in subparagraphs (i) and (j) has not been listed in another application for registration or that it has not been the subject or cause of any conflict, and that it is not classified as a historic, artistic or archaeological monument.

If it falls into any of the categories referred to in the preceding paragraph, the church or religious group must describe the conflict in detail and/or state whether the property is listed as a monument;

(l) Under the terms of article 7, paragraph 11, of the Act, the church or religious group must produce evidence that it has conducted religious activities in Mexico for a minimum of five years and that it has a substantial following. Evidence of this may be produced by means of:

(i) Document issued by the federal, state or municipal authority recording any formality undertaken by the church or religious group in question;

(ii) Formalities relating to nationalization or donation of property to the Federal Government;

(iii) Any other document which, in the opinion of the Ministry of the Interior, testifies to compliance with the requirement referred to in this subparagraph.

If the applicants for registration belonged to a duly registered association, their group's five years of existence will be calculated as from the date on which the Department of Religious Affairs took note of their separation from the institution in which they were registered;

(m) Foreign status agreement in duplicate. Communications, records and other documents referred to in the preceding subparagraphs must be

submitted in the order established and in a ring-file or bound-file, including in the initial part an index for easy consultation and handling.

Practical application of these procedures; indicate whether recognition has ever been refused during the period in question, the reasons therefor and its possible relationship with the incompatibility of that religion with the predominant religion in Mexico

358. From the nationwide statistics (annex VII) it is apparent that of the 5,812 applications for registration received, 4,642 have led to the establishment of religious associations, 546 are being processed and consideration of 624 has been discontinued on the grounds that they do not meet with the legal requirements. The latter figure amounts to 10.7 per cent of the applications submitted.

359. On the question of non-grant of registration as a religious association, the Act is very clear, stipulating that in matters governed by it the activities habitually engaged in by a person, church or religious group without registration as a religious association shall be attributed to the natural or legal persons concerned, who will be subject to the obligations laid down by law (Religious Associations and Public Worship Act, art. 10).

360. In no circumstances, however, is non-grant of registration as a religious association due to the incompatibility of the applicant group with the predominant religion in Mexico, since that would infringe the principle of religious freedom which is guaranteed by the State. Consequently, we reiterate that if consideration of applications for registration is discontinued, it is because they do not fulfil the relevant legal requirements.

Principal differences between the situation of the predominant religion and of other faiths, or indicate whether there is equal treatment for all

361. On this point, it should be noted that article 6, final paragraph, of the above-mentioned Act clearly stipulates that religious associations have equal rights and obligations before the law, and for this reason the authorities cannot institute unequal treatment. In this connection, all claims by registered religious associations are considered in conformity with the law.

Form of control or supervision which may be imposed on persons who profess a certain religion or belief, and privilege which may be granted to members of a religious group but is denied to others

362. Religious freedom is based on the principle established by the Constitution, which recognizes the right of individuals to practise the beliefs or acts of worship or devotion of their choosing, with no limitations other than those established in the above-mentioned Act. In this context, the State recognizes that citizens have a number of individual freedoms, which are fully realized if they are nourished and protected by the principle of equality.

363. In accordance with this principle, which is laid down in the Act, the State may not institute any type of preference or privilege in favour of any religion, or in favour of or against any church or group.

364. Similarly, the Act provides that religious associations have equal rights and obligations before the law; consequently, in no circumstances can religious belief constitute exemption from compliance with the law. In this connection, no one may adduce religious grounds for evading the responsibilities and obligations laid down by law.

365. In addition, religious associations, as legal persons having rights and obligations, have the obligation to conform to the Constitution and the laws emanating therefrom, as well as fulfilling the purpose for which they were created, in other words, the responsibility to seek the moral and spiritual improvement of their members.

366. In this way, the State, through our legal system and the institutions established for this purpose, guarantees the values of liberty, plurality, tolerance and equality; consequently, in the application and observance of legislation on religious matters, the authorities make no distinctions and grant no privileges.

Specific information on the case of the members of the Evangelical movement in Chamula, expulsions and conflicts for religious reasons in the State of Chiapas and other states, especially with regard to the intervention of the Federal and state governments in the possible solution of problems

367. San Juan Chamula, Chiapas: Expulsions have been continuing for approximately 30 years and have been due to various reasons which have changed with time. The religious intolerance which exists manifests itself in action against indigenous inhabitants of various religious creeds, including Presbyterians, Adventists, Pentecostalists and Jehovah's Witnesses.

368. It should be noted that the expulsions are due not only to strictly religious reasons, but also to interests of various kinds. The phenomenon is caused by the assimilation by the Chamulas of patterns of behaviour as they enter into permanent contact with institutions and forms of organization different from their traditional institutions.

369. The struggle of the expelled inhabitants and the intolerance to which they are subjected has given rise to a parallel conflict to the one in the Lacandona forests. Consequently, today more than ever, the expulsions must be resolved in accordance with the law, and also taking into consideration the religious aspect and questions of an economic, social and political nature. Nevertheless, the attempted solutions so far applied at all times embody a spirit of conciliation of the various interests and positions with the aim of achieving consensus and resolving differences, under the guidance of the State.

370. In view of the flare-up in the situation and political developments in that state, the Government has demonstrated the political will to find a solution which is just, honourable for the communities and consistent with the law. As an example of this, the CNDH has received a number of complaints

about violations resulting from the expulsion of groups in the Altos de Chiapas region. In response, the CNDH set up in San Cristóbal de las Casas an ongoing programme to deal with indigenous demands, with the aim of averting expulsions. Its efforts were supplemented by the intervention of the State and municipal authorities.

371. The CNDH proposed a comprehensive solution covering not only the religious aspect, but also the economic, political and social areas; it comprised the establishment of a special committee to investigate the expulsions and the acceleration of the preliminary inquiries into the alleged offences resulting from the expulsions.

372. The Ministry of the Interior, as the body overseeing compliance by the various authorities with the provisions of the Constitution, especially with regard to individual guarantees, and also the provisions relating to religious worship and external discipline, was deeply concerned at the developments referred to and, in October 1993, officially opened a file on various expulsions of persons professing the Evangelical faith, in different places in the municipality of San Juan Chamula (Chiapas).

373. In the light of the information in the Ministry's possession concerning violation of individual guarantees, including guarantees concerning belief and worship, and on alleged offences, it was necessary to call on the government of the State of Chiapas to intervene, given that the Religious Associations and Public Worship Act, which establishes regulations relating to the relevant articles of the Constitution, stipulates that the authorities in the various states shall assist the Federation in the implementation of the Act.

374. In this connection, it is the responsibility of the Ministry only to ensure, in the sphere of the Federal Executive, that the provisions of the Act, and especially religious rights and freedoms, are enforced. It exercised this power by calling repeatedly on the government of the State of Chiapas for its assistance in order that within its area of competence various preliminary inquiries should be initiated through the Government Procurator's Office into non-federal offences such as homicide, illegal deprivation of liberty, rape and causing property damage. As has been established, including by the CNDH itself, the problem of religious persecution is highly complex, and both its causes and consequences extend beyond the strictly religious context.

375. On 11 October 1993, the Secretary-General of the State of Chiapas informed the Ministry of the Interior that, in order to investigate the events in question, a specialized agency of the Public Prosecutor's Office had been set up in the place where these events had occurred.

376. On 23 November 1995, the Multilateral Legislative Commission for the Reconciliation of the Chamula People was established under the chairmanship of Deputy Juan Roque Flores. It is composed of representatives of the Chiapas executive and judicial branches, the national and state human rights commissions, the Evangelical and Catholic groups present in Chiapas, the municipal council of San Juan Chamula and federal authorities.

377. After intensive discussions and representations to various bodies, the Commission achieved agreement on various points, including the return of

Evangelical children to schools in Botamesté, Bautista Grande, Bautista Chico, Chuchulumtic and Pilalchén, and also an undertaking by the state and municipal authorities to take the necessary steps to ensure that the children did not miss the school year.

378. The leader of the Evangelical Defence Centre in Chiapas and Evangelical representative in the Commission, in June 1996, announced the main points of agreement on civil rights; it is hoped that the Catholic traditionalists will shortly subscribe to this agreement, which emphasizes mutual respect for the exercise of religious freedom.

379. On 27 November 1996, in Lomo in the presence of members of the Multilateral Commission of the State Congress on the Chamula case, the education committee and the Catholic and Evangelical churches, the school was reopened after being closed on 20 September 1996.

380. In the light of the foregoing, the Ministry of the Interior is paying close attention to progress in dialogue and negotiation in order that, through the legal mechanisms and institutions, the conditions may be created, with the decisive support of the government of the State of Chiapas and municipal governments, to enable citizens to know, respect and secure respect for the guarantees, freedoms and rights in the area of religion provided for by national legislation or, failing that, to ensure that the responsibilities provided for by law are promptly established.

381. The CNDH, through its Coordinating Committee on Indigenous Affairs, has undertaken a thorough and far-reaching investigation of the Chamulas conflict in the State of Chiapas; this investigation resulted in the publication of two reports on the problem of the expulsions in the indigenous communities of Altos de Chiapas and human rights, the first in 1992 and the second in 1995. Copies of these reports are appended.

382. San Juan Yahé, Oaxaca: In May 1996, the Apostolic Church of Faith in Christ Jesus reported that residents of San Juan Yahé in the district of Villa Alta (Oaxaca), with the support of Mr. Genaro Hernández Hernández, then Municipal President, arrested Mr. Víctor Martínez Yescas and Mr. Mauricio Manzano Flores, together with eight other members of the Evangelical Church, for preaching a religion other than the majority religion.

383. When the Ministry of the Interior ordered the state authorities to intervene, the detainees were released and the intervention of the State Congress was sought for the purpose of establishing a multilateral committee of deputies to carry out an investigation and determine the best legal course, together with measures to safeguard religious freedom in that area. The State Governor was also asked to intervene to deal with cases of religious intolerance and was informed that the Municipal President was one of the main protagonists of such intolerance.

384. The State Congress has informed the Ministry that the investigation will be carried out by the legislative branch's government committee, which was asked to report on progress and decisions on that question.

385. On 28 February last, the Evangelical leaders of the religious association informed the Ministry that the representatives of eight villages making up the San Juan Yahé region had held a meeting at which they stated that favourable conditions existed for the return of the 12 expelled families and requested that the necessary measures should be taken to ensure that they returned safely. In those circumstances, the Ministry sent a communication to the Secretary-General of the State of Oaxaca asking that the necessary facilities should be provided to deal with that request as soon as possible.

386. It should be noted that cases of religious intolerance in Mexico have been no more than sporadic; they have been, and are being, dealt with in accordance with the law.

Situation and attitude of conscientious objectors

387. The information on these points is contained in the relevant part of this report relating to article 8 of the Covenant.

Information on legislation and practice with regard to religious education in accordance with the right, established in the Covenant, of parents to ensure that their children receive religious education in accordance with their own beliefs

388. One of the fundamental objectives of the State is to guarantee the broadest possible social freedoms, as provided for in article 3 of the Constitution, which stipulates that Mexico is an eminently secular State, the product of a historical process of secularization and respect for the memory of the people, who wisely established very clear demarcation between their religious beliefs and the ambit of the republican institutions.

389. The constitutional reforms (28 January 1992) of articles 3, 5, 24, 27 and 130 relating to religious matters, together with the adoption of the Religious Associations and Public Worship Act (15 July 1992) have not modified the intention to safeguard, respect and guarantee individual freedoms; they have merely modernized the legislative framework in order to strengthen freedom of belief and recognition of the legal personality of religious associations.

390. The secular nature of the State constitutes a guarantee of equality, pluralism, tolerance and freedom of conscience. The General Education Act embodies the principles contained in the Constitution, in that the education provided by the State must be secular and, hence, will remain separate from any religious doctrine.

391. In addition, it will contribute to improved human coexistence and strengthen in students a desire to sustain the ideals of fraternity and equal rights for all, thereby avoiding privileges for specific races, religions, groups, sexes or individuals.

392. It is the Federal Government which determines the curricula and study programmes applicable and compulsory in Mexico for primary and secondary education and the training of primary and other teachers. In the above-mentioned constitutional reforms, however, it is stipulated that private

individuals may provide education of all kinds and forms, but official recognition of the courses given will be granted and, where appropriate, withdrawn by the State, under the conditions established by law.

393. In the cases of primary and secondary education and teacher training, private individuals are required to obtain authorization, teach the curricula and programmes established by the Federal Executive, and conform to the other principles established in article 3 of the Constitution.

394. Article 9, paragraph V, of the Religious Associations and Public Worship Act stipulates that religious associations shall be entitled to participate in the constitution, administration, maintenance and operation of educational institutions provided that they are non-profit-making and conform to the Act and other relevant legislation.

395. With this new legislative framework, the State has been given an opportunity in the area of education to strengthen the influence of the culture of tolerance, respect and realization of the freedom of belief set forth in our Constitution as part of the human rights of the individual.

396. The State has drawn a distinction between two quite separate areas: the education provided in State schools and the education which parents must give and endeavour to give to their children, in accordance with their own beliefs, including the religious aspect.

Article 19 of the Covenant

Cases of persons detained or imprisoned for expressing political opinions

397. None. Criminal legislation makes no provision for this type of offence.

Controls on freedom of expression in general, and the legal regime governing the ownership and licensing of the press and other media

398. In Mexico, which is a State governed by the rule of law, it is more appropriate to refer not to controls but to restrictions on freedom of expression, which are in fact those set out in the Constitution. In articles 6 and 7, the Constitution guarantees freedom of expression of ideas and freedom of publication respectively.

Article 6

> "The expression of ideas shall not be subject to any judicial or administrative investigation unless it offends good morals, infringes the rights of others, incites to crime or disturbs public order; the right to information shall be guaranteed by the State."

Article 7

> "The freedom to write and publish on any subject is inviolable. No law or authority may establish censorship, require bonds from authors or publishers, or restrict the freedom of publication, which shall be

restricted only by respect for privacy, morality and public peace. Under no circumstances may a printing press be seized as the instrument of the offence."

399. The organization acts will establish such provisions as may be necessary to ensure that retailers, street vendors, operators and other employees of the establishment in which a publication complained of is produced are not imprisoned on press offence charges, unless their responsibility has been proved.

400. The Printing Act in articles 1, 2 and 3 restricts this freedom only in the case of an offence against good morals, public order or peace and privacy.

401. The Federal Radio and Television Act and its regulatory text, the Cinematographic Industry Act and the Regulations for the Cable Transmission Service govern the ownership and licensing of the mass media. The principal articles of the Federal Radio and Television Act concerning the granting of licences and permits are as follows:

Article 4

"Radio and television are an activity of public interest; the State must therefore protect and supervise this activity to ensure that it fulfils its social function."

Article 5

"Radio and television have the social function of contributing to the strengthening of national integration and the improvement of the forms of human coexistence. To that end, through their broadcasts, they shall endeavour:

I. To promote respect for the principles of social morality, human dignity and family ties;

II. To avoid influences which might harm or disturb the harmonious development of children and young people;

III. To contribute to raising the cultural level of the people and conserve national characteristics, customs and traditions and the purity of the language and to extol Mexico's national values;

IV. To strengthen democratic beliefs, national unity and international friendship and cooperation."

Article 9

"The Ministry of Communications and Transport shall be responsible for:

I. Granting and revoking of licences and permits for radio and television stations, and assigning to them the appropriate frequency;

II. Declaring suspended the processing of applications for licences and permits, and declaring licences and permits void or lapsed and amending them in the cases provided for in this Act;

III. Authorizing and supervising, from a technical standpoint, the functioning and operation of stations and their services;

IV. Fixing the minimum tariffs for commercial stations;

V. Intervening in the leasing, sale and other acts affecting the ownership of transmitters;

VI. Imposing penalties in respect of matters within its sphere of competence; and

Other matters as provided by law."

Article 10

"The Ministry of the Interior shall be responsible for:

I. Ensuring that radio and television broadcasts keep within the limits of respect for privacy, the dignity of the individual and morals and do not infringe the rights of third parties, nor incite to crime or disturb public order and peace."

Article 13

"On granting the licences or permits to which this Act refers, the Federal Executive, through the Ministry of Communications and Transport, shall determine the nature and purpose of radio and television stations, which may be: commercial, official, cultural, experimental, educational or of any other type.

Commercial stations must hold a licence. Official, cultural, experimental and educational stations and those established by public bodies for their own purposes and services require only a permit."

Article 14

"Licences for commercial use of radio and television channels, whatever the system of modulation (amplitude or frequency), shall be granted only to Mexican citizens or companies whose shareholders are Mexicans. In the case of joint stock companies, the shares shall be registered and such companies shall be obliged to furnish to the Ministry of Communications and Transport the list of the shareholders."

Article 16

"Licences shall have a term not exceeding 30 years and they may be granted again to the same licensee who shall have preference over third parties."

Article 58

"The right of expression by means of radio or television is free and therefore shall not be subject to any judicial or administrative investigation, nor to any restriction of prior censorship, and shall be exercised in accordance with the Constitution and the laws.

The Cable Television Service Regulations state:

Article 6

"In addition to the powers granted to it under the General Communication Act, the Ministry of Communications and Transport shall also have the following powers:

To monitor, inspect and verify compliance with the provisions of the General Communication Act and of these Regulations and with the terms of the licence or permit."

Article 7

"The Ministry of Communications and Transport may at any time authorize foreign channel broadcasts over the cable television system.

Article 2, section IX, of the Cinematographic Industry Act states:

"For the purposes of this Act, the Ministry of the Interior shall have the following powers:

To authorize the public showing of cinematographic films in the Republic, whether produced in Mexico or abroad. Such authorization shall be granted provided that the spirit and content of the films, in both words and images, do not infringe article 6 and other provisions of the General Constitution of the Republic.

Television stations may show only films suitable for general viewing."

402. Newspapers are enterprises like any other which must comply with general laws and regulations. There are no special provisions for their establishment. Subject to the provisions of the law, there is no monitoring of freedom of expression.

403. All publications and magazines periodically published, distributed and circulated for sale must be registered with the Qualifying Committee for Publications and Illustrated Magazines, a decentralized body of the Ministry of the Interior, which issues its authorizations in the form of certificates of title and content legitimacy, pursuant to articles 10 and 13 of the Regulations on Publications and Illustrated Magazines.

404. This authorization and the Certificate of Reservation of Rights to the Exclusive Use of a Title, issued by the Ministry of Education, are indispensable for ensuring that printed material complies with the provisions of the law in this regard.

405. With regard to the legal rules governing the use of the electronic media, authorization follows a Government notice of convocation or takes place at the request of an interested party. With the exception of public radio and television, the media are assigned by public tender. There are no specific restrictions on ownership, although compliance is required with the terms of the Federal Act on Economic Competition against Monopolistic Practices.

Justification for granting or refusing authorizations to the mass media

406. In the electronic media, the procedures and requirements for authorization are indicated in the laws, and, where appropriate, in public notices of convocation. Whether an authorization is granted or refused depends on fulfilment of the legal, technical and economic requirements, which are public and equal for all participants. Once the requirements have been met, in the case of radio and television the Ministry of Communications and Transport selects at its own discretion whichever best meets social concerns, while in the other technologies the selection is made on the basis of tendering.

407. With regard to newspapers and magazines, the Qualifying Committee for Publications and Illustrated Magazines, as part of its duties, is required to ensure that the printed media keep within the limits established by the relevant regulations in force. This body, which is decentralized in accordance with the provisions of articles 1, 5, 6, 10 and 14 of the Regulations on Publications and Illustrated Magazines, includes among its duties the examination of printed material, officially or at the request of print media; declaration of the legitimacy of a title and/or contents and issue of the corresponding certificates of legitimacy; declaration of illegality if any blatant or serious instance of the improprieties referred to in the regulations occurs; submission of information to the Public Prosecutor's Office on publications considered to be in breach of the law; cancellation of certificates for such reasons as may arise and imposition of the penalties provided for in the relevant legislation.

408. If the opinion on the publication contains one or more reasons for declaring it illegal, the plenary of the Committee shall, if it sees fit, determine that it is illegal in breach of articles 31, 32 and 33 of the Printing Act and article 9 of the above Regulations.

Monitoring of the press and other media and the activities of journalists by the public authorities

409. No such monitoring takes place. The media are restricted only insofar as they comply with the law. With regard to electronic communication, operating rules are established in the laws and regulations.

Conditions in which a journalist may exercise his profession

410. There are no special considerations; the profession of journalist is protected, like all professions, by article 5 of the Constitution which establishes that no person may be prevented from devoting himself to the profession, activity, trade or work he wishes, provided that it is lawful. The exercise of this freedom may be restricted only by a judicial decision, when the rights of third parties are infringed, or by a governmental decision, handed down as the law indicates, when social rights are breached.

Measures adopted between 1992 and 1996 to guarantee that the media reflect all political opinions

411. The Government of Mexico observes the Constitution and the laws. As an authority it encourages the development of democracy. It cannot force the media to reflect all political opinions fairly, but it encourages a sense of balance in the wide range of views expressed through the media.

412. The Constitution provides in article 41 that political parties shall have the right of permanent use of the mass media. Following the reform of the Federal Code on Institutions and Electoral Procedures, of November 1996, article 41, paragraph 1 (a), establishes that permanent access to radio and television is a prerogative of national political parties. This is set out in detail in articles 42 to 48 of the Code.

413. The Mexican mass media have, on their own initiative, as company policy, endeavoured to achieve a balance in the information they transmit from the various political parties.

Access by foreign journalists to information and the distribution of the foreign press within Mexico

414. All foreign journalists who comply with Mexican law, who are for the most part not permanently established are accredited. They are subject to such restrictions as are established by law. Article 42, XI, of the General Population Act defines the correspondent as follows: He engages in activities proper to his profession as journalist, he covers a special event or exercises his activity on a temporary basis, provided that he is duly accredited in his appointment and exercise of his profession in the terms laid down by the Ministry of the Interior. A permit is granted for up to one year and extensions for a similar period may be allowed, providing for multiple entries and exits.

Detailed information on the number of foreign newspapers and periodicals distributed in Mexico and the reasons for which their distribution may be restricted or prohibited

United States periodicals

1. New York Times
2. USA Today
3. Wall Street Journal

4. Investor Business Daily
5. National Business Employment Weekly
6. International Herald Tribune
7. Los Angeles Times
8. Barron's
9. Washington Post
10. Houston Chronicle
11. Globe
12. Washington Times
13. Star
14. National Enquirer
15. National Examiner

British newspapers

16. Financial Times
17. The Times
18. The Daily Telegraph
19. The Independent
20. The Guardian
21. The Guardian Weekly
22. The Observer
23. The Sun

German newspapers

24. Frankfurter Allgemeine Zeitung
25. Suddeutscher Zeitung
26. Die Welt
27. Handelsblatt

Italian newspapers

28. Corriere della Sera
29. Gazzetta della Sport

Spanish newspapers

30. El País

French newspapers

31. Figaro
32. Le Monde
33. Le Monde Diplomatique
34. Le Monde Dossiers
35. Le Monde (Hebdomadaire)
36. La Tribune
37. Les Echos
38. La Croix
39. Libération
40. L'Equipe
41. Le Canard Enchaîné
42. France Football

415. The circulation of the national and international press is restricted only by the provisions of the Constitution and the Printing Act. In order to remove any of the printed media from circulation, the Qualifying Committee for Publications and Illustrated Magazines, a decentralized body of the Ministry of the Interior, must first consider analyse whether the publication complies with the legal provisions indicated as comprising the restrictions for removing any of the printed media from circulation.

Special duties and responsibilities relating to the exercise of freedom of expression

416. The authorities are required to comply with the Constitution and the laws. Where there is a breach of freedom of expression or freedom to print information, private individuals may request the protection of federal justice through amparo proceedings. The specific case must be analysed in order to determine whether public servants incur criminal or administrative responsibility for the violation of freedom of expression.

Article 20 of the Covenant

Legislative measures adopted between 1992 and 1996 and national practice in respect of the prohibition on any propaganda for war and for any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence

417. Articles 6 and 7 of the Constitution guarantee freedom of information, expression, publication and dissemination of ideas, provided that public order or public peace are not disturbed. The information contained in the Mexican Government's earlier reports on this article of the Covenant remains valid, since the law prohibits propaganda for war and the advocacy of national, racial or religious hatred.

418. With regard to religious hatred as an incitement to discrimination, hostility or violence, the 28 January 1992 reform of the Constitution with regard to religious matters and the subsequent promulgation of the Religious Associations and Public Worship Act in July of that year strengthened the principle of religious freedom as part of the fundamental human rights of the individual.

419. Under the above Act, defacement of patriotic symbols or any form of inducement to reject them, and the promotion of conduct which will impair the health or physical integrity of individuals are offences. The Act ratifies the State's responsibility to guarantee compliance with the laws, maintain public order and morality and protect the rights of others, and requires respect for the legal system which governs the authorities and public institutions.

420. Within this context, constant endeavours have been made since the establishment of the Office for Religious Affairs in November 1992, and the Office of the Under-Secretary for Legal Affairs and Religious Associations in 1995, to guarantee for all promotion of the values of freedom, plurality, tolerance, equality and adherence to legality in religious matters.

421. The National Human Rights Commission cannot restrict its activities to dealing with private or official complaints; it must also concern itself with studying the causes and reasons which give rise to violations of fundamental rights. There are several causes of infringements of human rights; the subculture of violence is one. On 6 June 1996, on the occasion of the presentation of the annual report on its activities, the National Commission put forward a proposal to the Head of the Federal Executive, the representatives of the Legislative Chambers and civil society to launch a "National unity against violence" campaign. The President of the Republic has encouraged and supported this campaign.

422. In order to give it impetus, both State bodies and social institutions have joined it and have carried out the following activities.

423. Government sector: With the support of the Ministry of the Interior, the National Human Rights Commission distributed 300,000 posters on non-violence, in six different formats, targeting children. Their distribution was supported by a number of institutions such as the Ministry of Education, the National Union of Education Workers, the National Parents' Association, the National System for the Integral Development of the Family, the Federal District Department, the state human rights commissions and various non-governmental organizations.

424. Three television messages alluding to the campaign were co-produced with the Ministry of Public Education and transmitted on channels 11 and 22. The Ministry of Education will publish a new edition of the book Razas, racismo y el "cuento" de la violencia (Races, racism and the "tally" of violence) by Santiago Genovés, in a version adapted for basic education.

425. The Federal District Department, through its Office for Social, Civic and Cultural Action (Socicultur), placed on its noticeboards, at more than

18 points in Mexico city where there is heavy vehicle and pedestrian traffic, posters supporting the "National unity against violence" campaign.

426. In collaboration with the National Institute on Ageing, material was distributed in support of the campaign in the States of Aguascalientes, Colima, Querétaro, San Luis Potosí, Sinaloa and Zacatecas, and various workshops and lectures took place. In coordination with the Colegio de San Ildefonso, the state children and family departments, regional museums and cultural centres, an itinerant exhibition on tolerance and non-discrimination was held in the States of Colima, Nayarit and Zacatecas.

427. Civil society: On 23 July 1996, the Archbishop of Mexico issued a press release expressing his support for "National unity against violence". The Jewish community of Mexico for its part, in conjunction with Tribuna Israelita, published a pamphlet supporting the campaign.

428. The National Peasant Confederation prepared a poster which it distributed throughout the Republic. The National Union of Education Workers (SNTE) produced two messages for radio and television and conducted a national support advertising campaign.

429. The National Advertising Council broadcast a nationwide radio and television message as part of its campaign "Think with your feet on the ground".

430. The Organización Editorial Mexicana chain, has been giving the campaign major support through the daily El Sol de México by publishing specific notes and messages.

431. The Radiorama group has been transmitting messages concerning non-violence from its broadcasting stations throughout the country. Radio 13, Ondas de Lago and Radio Educación, and television channel 11 interviewed experts on the topic of violence, while the Michoacán Radio and Television System held a radio and television material contest for the promotion of peace culture.

432. The National Parents' Association signed an agreement for collaboration with the National Commission, in which it adhered to the "National unity against violence" campaign. A refreshments company of San Luis Potosí, self-service shops and restaurant chains have also participated with advertisements.

433. Peace culture activities took place in conjunction with the following non-governmental organizations throughout the country: Alternativas Pacíficas, Coordinadora Institucional de Saltillo, Asistencia Civil, Fundación de Apoyo a la Infancia, Red Lagunera en Favor de la Infancia, Grupo de Defensa de los Derechos Humanos, Red de ONG para la Cultura de los Derechos Humanos en Michoacán, Comité de Defensores Sociales "Belisario Domínguez", Liga Mexicana de Derechos Humanos, Pastoral Penitenciaria, Red de Mujeres de Tijuana, Fundación de Atención a la Niñez, Comisión Estudiantil del Estado de Morelos, IMDEC, Academia Jalisciense de Derechos Humanos and Centro Felipe Ángeles. The main activities were various seminars, courses and workshops on

non-violence, while texts on non-violence were presented in the specialized human rights documentation centres and posters and pamphlets were prepared and distributed throughout the Republic.

434. Higher education institutions: The National Association of Universities and Higher Education Institutions, at the twenty-seventh ordinary session of its General Assembly, held on 6 and 7 November 1996, expressed its full support for the "National unity against violence" campaign.

435. On 28 and 29 October 1996, the Benemérita Universidad Autónoma de Puebla organized a conference on non-violence, in coordination with the State human rights commission. Universidad Intercontinental and the Autonomous Universities of the States of Aguascalientes, Baja California, Jalisco, Nayarit, Nuevo León, San Luis Potosí, Tamaulpas, Yucatán and Zacatecas organized various forums, courses of lecture, interviews, seminars and workshops on the subjects of non-violence, tolerance, peace and solidarity.

436. The Technological Institute of Higher Education of Monterrey, Mexico City Campus, carried out an intensive advertising campaign, which targeted young people, on the topic of respect for the dignity of individuals with the slogan: "A dove for Mexico, national unity against violence". The activities of this educational institution basically comprise the mass distribution of T-shirts, posters, keyrings and transfers.

437. Public human rights bodies: On 28 and 29 June 1996, the National Human Rights Commission took part in the First Forum on Human Rights and the Culture of Peace, organized by UNESCO and held in Antigua, Guatemala. The result of this forum was the proclamation of the "Declaration of Antigua, Guatemala, on human rights and the culture of peace", which contains the commitment by the Ombudsmen participating to encourage human rights education as a means of ensuring respect for the values of the different cultures, and enabling peaceful cohabitation, social harmony and genuine participation in the development of democracy.

438. The activities undertaken by the National Human Rights Commission in the campaign "National unity against violence" received ongoing advisory assistance from the International Peace Prize winner, Santiago Genovés, an international specialist on the problems of violence and instigator of the Seville Declaration, adopted by more than 100 scientific societies throughout the world. The National Commission published the second edition of Santiago Genovés's book, Razas, racismo y el "cuento" de la violencia (Races, racism and the "tally" of violence).

439. In conjunction with the Fundación Valenciana de Estudios Avanzados, it published Violencia: entender más y juzgar menos (Violence: better comprehension and less judgement) a book written by Santiago Genovés for the "National unity against violence" campaign and the International Interdisciplinary Congress on the biology and sociology of violence, held in Valencia, Spain.

440. Since violence is a complex phenomenon, its specific aspects should also be considered. The National Commission analysed and discussed with groups of specialists the following topics: the culture of peace and human rights,

violence and social conflicts and violence and the media. These questions were dealt with respectively by the Permanent Vocational Retraining Programme, held on 13 August 1996, the meeting of the National Human Rights Commission and the National Parents' Association, held on 10 October 1996, and the panel on violence and television, organized by the Technology and Further Studies Institute of Monterrey, Mexico State Campus, on 16 October 1996. This body also published a pamphlet on violence within the family and how it should be countered and the book El diálogo del hombre: análisis histórico y crítico de la comunicación humana (Human dialogue, a critical historical analysis of human communication) by Raúl Horta.

441. The National Commission also prepared a documentary video entitled "National unity against violence", that was broadcast during official hours; it produced 18 radio programmes with the participation of researchers from various fields; these programmes are broadcast in the regular programmes Argumentos on the radio station of the National Autonomous University of Mexico (UNAM) and Respuesta on Radio Educación.

442. The Mexican Federation of Public Bodies for the Defence and Protection of Human Rights and the state human rights commissions were involved in various activities to counter the culture of violence. The state human rights commissions of Chihuahua, Colima, Oaxaca, Tlaxcala, San Luis Potosí and Zacatecas, in coordination with the various mass media, organized press conferences on radio and television, radio spots, advertisements for radio scripts and drafts for audiovisual material. They also published articles and essays and held interviews on the impact of violence on vulnerable groups and how to counter it.

Article 21 of the Covenant

Regulation of the right of peaceful assembly, in private or in public, for political or other purposes, and practice in that respect

443. The relevant information can be found in the Mexican Constitution:

Article 9, paragraph 1

> "The right to assemble or associate peaceably for any lawful purpose can not be restricted; only citizens of the Republic may do so to take part in the political affairs of the country. No armed deliberative meeting is authorized."

Protection of persons who meet to express or discuss publicly their opinions or to express any opinion

444. The relevant information can be found in the Mexican Constitution:

Article 9, paragraph 2

> "No meeting or assembly shall be deemed unlawful which has for its object the petitioning of any authority or the presentation of a protest against any act; nor may it be dissolved, unless insults against the

said authority are proffered or violence is resorted to or threats are used to intimidate it or compel it to render a favourable decision."

Cases in which the holding of a peaceful assembly is prohibited; instructions to public officials, particularly police officers, and their attitude in respect of public meetings

445. The relevant information can be found in earlier reports and has not been modified in any way.

Approval of the public authorities for the holding of a meeting, procedures and requirements obtaining such an authorization and restrictions on participants in the meeting

446. This is not a requirement. For further details, see the earlier reports.

Statistics concerning complaints of use of violence against peaceful unarmed demonstrators, and investigations of these complaints and the results thereof (Tepoztlán, Morelos, Tabasco, Chilpancingo and Aguasblancas, Guerrero, etc.)

447. With regard to the cases mentioned, the Government of Mexico duly replied to the communications transmitted under the various thematic procedures of the United Nations Commission on Human Rights. However, mention may be made of the case of the former refuse-collectors of the State of Tabasco which is described below.

448. The National Human Rights Commission (CNDH) officially lodged complaint CNDH/122/97/DF/251 on 20 January 1997 on the basis of two reports made by Mr. Gonzalo Jiménez Díaz, deputy representative of CNDH, concerning alleged violations committed against strikers and persons accompanying them by various members of the Riot Police Unit of the Ministry of Public Security of the Federal District. Furthermore, on being informed that the human rights commission of the Federal District had initiated complaint CDHDF/122/97/MC/DO279, which had been telephoned in by a member of the National Network of Civil Human Rights Bodies, on account of the alleged evacuation of the former refuse-collectors of the State of Tabasco, the National Commission, on the basis of article 156 of its rules of procedure, invoked extension of jurisdiction to require the above-mentioned local human rights body to transfer the file containing the substantive elements of the case since it was a matter which transcended the interests of the Federal District and had an impact on national public opinion.

449. After conducting the relevant investigations, the National Commission issued Recommendation 1/97 of 28 January 1997, addressed to the Head of the Federal District Department, the Government Procurator of the Federal District and the Minister of Public Security of the Federal District. The following recommendations were made.

450. To the Head of Government of the Federal District:

First: You are requested to inform the Head of the Office of the Comptroller of your Department that, in accordance with the provisions

of the Federal Public Servants' Responsibilities Act, administrative investigation proceedings are being initiated to determine the responsibility incurred by those public servants who requested the assistance of members of the Riot Police Unit of the Federal District Public Security Department and those who coordinated the operation to transfer the former refuse-collectors of the State of Tabasco on hunger strike to a medical institution.

Should the investigation reveal criminal responsibility on the part of the public servants employed in the Office of the Under-Secretary for the Interior, the Ministry of Public Security, the Office for the General Coordination of Social Management or the Office of Civil Protection of the Federal District, the Public Prosecutor's Office shall be informed accordingly.

451. To the Government Procurator:

Secondly: You are requested to instruct your internal monitoring body to initiate administrative investigation proceedings to determine the administrative responsibility of Mr. Víctor Manuel Bautista Nava, an agent of the Public Prosecutor's Office in the Twenty-Fifth Investigating Agency and Mr. Hob López Martínez, an agent of the Public Prosecutor's Office, assigned to the roster of the Thirty-fifth Investigating Agency, located in Xoco Traumatology Hospital in the Federal District, for the irregularities committed in the exercise of their duties in respect of the facts which are the subject of this Recommendation.

Should administrative responsibility be the result of the respective investigation proceedings, you are asked to apply the appropriate legal sanctions.

Thirdly: You are required to instruct the appropriate persons to carry out the necessary ministerial formalities for the due inclusion of preliminary investigations 25/00143/97-01 and 25/00139/97-01, which should be determined as soon as possible in accordance with the law, and, as required, to execute any arrest warrants which the competent judicial authority may issue.

452. To the Minister of Public Security of the Federal District:

Fourthly: You are required to instruct the Ministry's internal monitoring body to initiate administrative investigation proceedings to determine the responsibility of the public servants of your department who coordinated and participated in the operation of 19 January 1997, to transfer to a medical institution the former refuse-collectors of the State of Tabasco on hunger strike, and that of the public servants who subsequently intervened in the evacuation and withdrawal of the strikers. Once the investigation proceedings have been completed, you are required to report on them to the Office of the Comptroller of the Federal District so that, should administrative and/or criminal responsibility be ascertained, the relevant sanctions may be applied and proceedings taken in accordance with the law.

Article 22 of the Covenant

Procedures governing the formation of associations

453. In Mexico, the prerogative of the right of the citizens of the Republic to form associations or to meet in peaceful assembly for any lawful purpose is embodied in article 9 of the Constitution. The Civil Code for the Federal District in ordinary matters and for the Republic as a whole in federal matters sets out rules in articles 25, section VI and 2670 to 2687, for the associations, constituted for lawful purposes referred to in article 9 of the Constitution.

454. Political associations and groups are covered by articles 33, 34, 35, 38, 49-A and 49-B of the Federal Code on Institutions and Political Procedures: they constitute a form of citizens' associations, which contribute to the development of democracy and political culture and the creation of a better informed public opinion. These national political groups cannot under any circumstances call themselves parties or political parties.

455. The definition of national political groups (APN) was included in Mexican electoral legislation following the electoral reform of 1996. However, their presence in the Mexican electoral system is not a new phenomenon. During the 1970s and the 1980s, the Federal Political Organizations and Electoral Procedures Act and the Federal Electoral Code included them as "political associations". During this first stage, the definition of political associations was included in the Electoral Act because it was considered necessary to accommodate incipient political currents which represented various sectors of society and which, although not sufficiently strong, electorally speaking to accede to the party system, could contribute to the integration of a more pluralistic and democratic system.

456. The Federal Political Organizations and Electoral Procedures Act, in force from 1977 to 1987, in chapter VII, articles 50 and 51, therefore defined political associations as political groups which could be transformed jointly or severally into political parties, to contribute to the development of a better informed political opinion of greater ideological depth. It also indicated that citizens could be members of national political associations in order to supplement the political party system, discuss ideas and spread ideologies.

457. Another relevant factor already perceived at the time was the need for the political associations to be genuinely representative and structured, the electoral authority's requirements for the registration of a political association therefore included some of the following points:

It must have maintained continuous political activity at least for the two years prior to the application for registration;

It must have a minimum of 5,000 members in the country as a whole;

It must have drawn up a declaration of principles, a programme of action and statutes in which it is named; and

It must have a national directive and delegations in not fewer than 10 federal entities.

458. Another factor of interest considered in the Electoral Act was that a political association might take part in an electoral contest. This provision stated that a political association could participate as a candidate in a federal election, provided that it was incorporated into a political party through an agreement known as a "participation agreement". For this purpose, the political organization must inform the electoral authorities of the type of election it wishes to contest, the candidature proposed by the association to the political party and, lastly, general information concerning the candidate.

459. Subsequently, with the adoption of the Federal Electoral Code that was in force from 1987 to 1990, practically the same requirements were maintained for registration as political associations. In fact, the most important innovations were the adoption of a new system of prerogatives. The postal and telegraphic privileges which had previously been enjoyed exclusively by the political parties were also made available to the associations. Material support was also provided for publishing functions, representing a kind of public financing.

460. As far as their participation was concerned, it was established that the national political associations should keep their legal status and could participate in federal elections only once they had obtained registration, at least six months prior to the date of the election and following the conclusion of an incorporation agreement.

461. This definition of political associations remained in force until August 1990, when it was abolished on the implementation of the Federal Code on Institutions and Electoral Procedures (COPIE); it was some six years later that it was taken as part of one of the topics of the agenda for reform which gave rise to the Electoral Act of 1996.

462. The definition of political associations evolved into that of national political groups, to a large extent owing to the political relevance which the discussion of their re-incorporation into the electoral reform of 1996 took on. Practically all the consultation and discussion forums held in the context of the 1996 electoral reform called for a definition of "political groups". The present electoral legislation in force therefore basically contains in its articles 33, 34 and 35 the most relevant provisions governing the activities of the political groups.

463. On this basis, the most relevant aspects of the regulation of political groups under the present electoral legislation may be said to be the following:

464. Participation agreement: One of the legal provisions retained from the regulations of the 1970s and 1980s refers to the fact that national political groups may put forward a candidate to participate in federal elections through a "participation agreement" concluded with a political party, although they are expressly forbidden to participate with coalitions.

465. It is established that candidatures resulting from participation agreements will be registered by the political party and will be voted on under the name, emblem and colour or colours of that party. The participation agreement must be submitted for registration to the President of the General Council of the Federal Electoral Institute.

466. Requirements: In order to be registered with the Federal Electoral Institute as a national political group, a group must meet the following requirements:

Have a minimum of 7,000 associates throughout the country and a national executive, as well as delegations in at least 10 federal entities, and

Have basic instruments, and a name distinct from that of any other group or party.

467. The deadline for interested groups to submit the documentation necessary for registration together with the application for registration, will be the month of January of the year prior to that of the election. For its part, the General Council, within a period of 60 days reckoned from the date on which the applications for registration are submitted, will take the relevant decision.

468. The General Council is empowered to issue the certificate registering national political groups. In the event of a refusal to register, it is also required to justify its refusal and communicate it to the group concerned.

469. Attached is a copy of the Decision of the General Council of the Federal Electoral Institute of 22 November 1996, setting out the requirements to be met by associations of citizens wishing to set up national political groups.

470. Prerogatives:

471. Special fiscal regime: registered political groups will have the same fiscal regime as political parties, in that they are not subject to taxes and duties in respect of events such as draws and raffles (and activities of this type) the holding of which has been legally authorized, income tax and sales tax on printed material published by them for the dissemination of their principles, programmes and statutes.

472. Electoral financing: The national political groups (APN) may receive public or private financing. In the former case, the contributions may be in money or in kind and the sources of the contributions may be donations by members or the proceeds of events and collections carried out at meetings.

473. Public financing may be used only to support the group's educational and political training activities, publishing activities and socio-economic and political research work. It must be drawn from a fund consisting of an amount equivalent to 2 per cent of the amount received annually by the political parties to maintain their regular permanent activities. The fund is to be surrendered annually and no APN may receive more than 20 per cent of the total fund constituted for such financing.

474. In order to justify their expenditure, registered APN are required to submit reports to the Supervisory Commission of the General Council of the Federal Electoral Institute (IFE) on their expenditure and on the origin and destination of the resources they receive from any form of financing.

475. Loss of registration: Under the provisions established in the Electoral Act an APN may lose its registration for the following reasons:

(a) When a majority of members agrees to its dissolution;

(b) When the reasons for dissolution exist, as set out in its basic instruments;

(c) When the group fails to submit an annual report on the origin and use of its resources;

(d) When the group seriously fails to comply with the provisions of this Code;

(e) For other reasons set out in the Code.

476. Registration of groups: In view of the time limits and periods laid down by the Electoral Act for the registration of national groups, the General Council of the IFE and the Commission responsible for the consideration of applications and the review of procedural requirements for associations decided that of the 23 citizens' groups which applied for registration as political groups, 11 were to be accepted to take part in the 1997 federal elections, namely:

Frente Liberal Mexicano, Siglo XXI A.C.

Uno

Coordinadora ciudadana A.C.

Convergencia por la Democracia A.C.

Diana Laura

Unidad Obrera y Socialista UNIOS!

Causa Ciudadana

Organización Auténtica de la Revolución Democrática

Agrupación Política Alianza Zapatista (APAZ)

Convergencia Socialista

Cruzada Democrática Nacional.

477. Attached is a copy of the list of citizens' associations which requested registration as national political groups in December 1996. It is important

to mention that at present some political groups have entered appeals for revision of their applications for registration, which means that the number of groups considered for the 1997 electoral process may vary.

Laws and practice concerning the establishment of political parties

478. The relevant information may be found in the Mexican Constitution:

Article 41, sections I and II

"I. Political parties are bodies of public interest; the specific forms of their participation in the electoral process shall be determined by law. National political parties shall have the right to participate in state and municipal elections.

"The purpose of political parties is to promote the participation of the people in democratic life, to contribute to the integration of national representation and, as citizens' organizations, to enable citizens to have access to the exercise of public power, in accordance with the programmes, principles and ideas set out by them and through universal, free, secret and direct suffrage. Only citizens may freely and individually join political parties:

"II. The law shall guarantee that the national political parties shall be fairly equipped with the means of carrying out their activities. They shall therefore have the right to permanent use of the media, in accordance with the forms and procedures established by law. The law shall also contain the rules governing the financing of political parties and their electoral campaigns; it must be guaranteed that public resources will take precedence over private resources."

479. The Federal Code on Institutions and Electoral Procedures, in accordance with the electoral reform of 1996, in Book II, Political parties, articles 22 to 32 and 41 to 67, establishes the constitution, registration, rights and obligations of political parties, the procedures for their final registration, the prerogatives, access to radio and television and financing of political parties, formation of fronts, coalitions and mergers, and the loss of registration.

Participation of more than one political party in Mexican political life and possible reasons for forbidding the establishment of a specific political party

480. More than one political party participates in Mexican political life. Eight political parties are taking part in the federal elections to be held next July: Partido Popular Socialista (PPS), Partido del Trabajo (PT), Frente Cardenista de Reconstrucción Nacional (FCRN), Partido Demócrata Mexicano (PDM), Partido Verde Ecologista de México (PVEM), Partido Acción Nacional (PAN), Partido de la Revolución Democrática (PRD) and Partido Revolucionario Institucional (PRI).

481. With regard to the possible reasons for forbidding the establishment of a specific political party, the Federal Code on Institutions and Electoral Procedures lays down the requirements to be met by groups claiming to constitute themselves as political parties, and the obligations which they must fulfil to keep their registration as political parties. This law applies equally to all organizations which claim to constitute themselves as political parties, with no distinction on grounds of ideology or political views.

Remedies in the case of denial of applications and the possible results of such appeals

482. Article 31 of the Federal Code on Institutions and Electoral Procedures provides that if the General Council of the Federal Electoral Institute denies registration of an organization as a political party, it must give the reason for such denial and transmit them to the persons concerned. The decision must be published in the Diario Oficial de la Federación and an appeal may be lodged with the Federal Electoral Tribunal.

483. On 26 March 1996 the General Council of the IFE decided to convene the political organizations and groups intending to participate in the 1997 federal elections, so that they might obtain conditional registration as political parties. A copy of the application form for conditional registration as a political party is attached.

484. This application was submitted to the IFE by a number of organizations and groups, of which the following were denied registration:

(a) Partido del Pueblo Aguilas Mexicanas:

Reasons: Its declaration of principles revealed numerous instances of anti-Semitism; moreover, it did not comply with other requirements set out in the invitation to apply issued in accordance with the provisions of the Federal Code on Institutions and Electoral Procedures.

(b) Partido Popular Socialista:

Reasons: It does not comply with the provisions of article 33 of the Federal Code on Institutions and Electoral Procedures, as it does not meet the requirements set out in the invitation to apply sent out for the purpose by the General Council of the IFE, while membership applications on which the signatures were clearly different from those contained in the Federal Register of Electors were held to be invalid, and constituted an infringement of the declaration "to tell the truth" contained in the invitation to apply.

It should be mentioned that this organization lost the conditional registration originally granted by the General Council of the IFE but had it restored by the Federal Electoral Tribunal following an appeal.

(c) Partido de la Sociedad Nacionalista:

Reasons: This political organization could not be accredited as reliably representing a socially based current of opinion, and did not comply with the contents of article 33 of the Federal Code on Institutions and Electoral Procedures.

(d) Partido Auténtico de la Revolución Mexicana:

Reasons: Two applications for conditional registration as a political party were presented to the General Council of the IFE on behalf of the organization "Partido Auténtico de la Revolución Democrática"; however, the commission responsible for determining whether or not registration should be granted is not empowered by the law in this regard to determine which of the groups legitimately represents the interests of the organization, nor was it possible to determine which of the groups officially headed the political activities described in the documentation submitted.

(e) Partido Obrero Socialista Zapatista:

Reasons: It does not meet the requirements for obtaining conditional registration as a political party, in accordance with the terms of article 33 of the Federal Code on Institutions and Electoral Procedures and the invitation sent out by the General Council of the Institute.

(f) Partido Demócrata Mexicano:

Reasons: It does not comply with the provisions of article 33 of the Federal Code on Institutions and Electoral Procedures, in not meeting the requirements set out in the relevant invitation to apply sent out by the General Council of the IFE, while applications for membership on which the signatures were clearly different from those contained in the Federal Register of Electors were considered to be invalid; in addition, it infringed the declaration of intention "to tell the truth" contained in the notice.

It is important to mention that this organization, like the Partido Popular Socialista, lost the conditional registration originally granted by the General Council of the IFE and restored to it by the Federal Electoral Tribunal following an appeal.

(g) Partido Social Demócrata:

Reasons: It could not be accredited as representing a socially based trend of opinion, and did not meet the other requirements for obtaining its conditional registration as a political party, in accordance with the terms of article 33 of the Federal Code on Institutions and Electoral Procedure.

(h) Partido de la Revolución Socialista:

Reasons: It does not meet the requirements for obtaining conditional registration as a political party, in accordance with the terms of article 33 of the Federal Code on Institutions and Electoral Procedures and the invitation to apply issued by the General Council of the Institute.

(i) Frente Liberal Mexicano:

Reasons: It does not meet the requirements for obtaining conditional registration as a political party, in accordance with the terms of article 33 of the Federal Code on Institutions and Electoral Procedures and the invitation issued by the General Council of the Institute.

(j) Uno:

Reasons: It did not comply with the submission of lists of members by a federal entity, required in accordance with the provisions of article 33 of the COPIE, and therefore could not be accredited as representing a socially based trend of opinion.

(k) Partido Revolucionario de los Trabajadores:

Reasons: It does not meet the requirements for obtaining conditional registration as a political party, in accordance with the terms of article 33 of the Federal Code on Institutions and Electoral Procedures and the invitation issued by the General Council of the Institute.

(l) Partido Foro Democrático:

Reasons: It does not meet the requirements for obtaining conditional registration as a political party, in accordance with the terms of article 33 of the Federal Code on Institutions and Electoral Procedures and the invitation issued by the General Council of the Institute.

(m) Partido Antigobiernista Mexicano:

Reasons: The declaration of principles of this organization contains no obligation to observe the Constitution and respect the laws and institutions deriving from it, nor the obligation, inter alia, not to accept any covenant or agreement which subjects or subordinates it to any international organization or requires it to depend on foreign entities or political parties.

Monitoring of the activities of the political parties

485. The preceding paragraph referred to the requirements to be met by political parties in order to obtain registration as such; article 25 of the Federal Code on Institutions and Electoral Procedures specifies what should be contained in the declaration of principles that will govern its activities as a political party:

Federal Code on Institutions and Electoral Procedures

Article 25

"1. The declaration of principles shall invariably contain at least the following:

(a) The obligation to observe the Constitution and to respect the laws and institutions deriving from it;

(b) The ideological principles of a political, economic and social nature that are postulated;

(c) The obligation not to accept any covenant or agreement which subjects or subordinates it to any international organization or requires it to depend on foreign entities or political parties; not to solicit or, if necessary, to reject any form of economic, political or propaganda support from aliens or ministers of any religion or sect, or from religious associations and organizations and churches and any of the individuals whom this Code prohibits from financing political parties; and

(d) The obligation to conduct its activities by peaceful means and democratically."

486. Articles 38, 39 and 40 of chapter IV of the Federal Code on Institutions and Electoral Procedures lays down the obligations of the political parties, failure to meet which is punished under Book Five, Title Five of the same Code, which states that administrative sanctions will be applied by the General Council of the Federal Electoral Institute, independently of the civil or criminal accountability which the law may require of political parties, political groups, leaders and candidates.

487. In the light of the electoral reform of 1996, article 38 of the Code contains the following points which restrict and control the activities of political parties. They are required to:

Conduct their activities within legal channels and adapt their conduct and that of their activists to the principles of the democratic State, respecting the freedom of other political parties to participate, as well as the rights of citizens;

Refrain from resorting to violence and any act intended to disturb public order or having that effect, to impair the enjoyment of guarantees or to prevent the proper functioning of government organs;

Conduct their activities without depending or being subordinate to foreign political parties or natural or juridical persons, international bodies or entities or ministers of any religion or sect;

Abstain from any expression constituting verbal criticism, slander, infamy, insult, or libel or denigrating citizens, public institutions or other political parties and their candidates, particularly during electoral campaigns and in the political propaganda used during them;

Refrain from using religious symbols, expressions, references or reasoning of a religious nature in their propaganda; and

Refrain from the collective signing-up of citizens as members.

488. With regard to radio and television, articles 42 to 48 of the Code establish the rules and forms enabling political parties to have access, on a permanent basis and during electoral campaigns, to the mass media for the purpose of disseminating their ideological principles, programmes of action and election platforms, without any monitoring of propaganda content, except for the restrictions set out in article 38 of the Code.

489. Lastly, with regard to the participation of political parties in public financing for their activities, and the fiscal regime pertaining to them, articles 49 to 52 of the Federal Code on Institutions and Electoral Procedures cover these aspects. In the electoral reform of 1996, article 38 sets out the following obligations:

> To allow the performance of audits and verifications ordered by the Commission for the Assessment of the Resources of Political Parties and Groups, and to furnish the information sought from them regarding their income and expenditure;
>
> To use their prerogatives and to make use of public financing exclusively in support of their ordinary activities, to defray their campaign costs and to fulfil the purposes established by the law.

490. Another means of monitoring political parties relates to contributions and donations which they may not receive under any circumstances, as provided in article 39 of the Code:

> "2. Contributions and donations to political parties, in money or in kind, may not, under any circumstances, be made by the following or an intermediary:
>
> (a) The executive, legislative and judicial authorities of the Federation and its States and the municipal authorities, except as established by law;
>
> (b) The offices, entities or bodies of the Federal, State and municipal Governments, whether centralized or semi-official and the governmental organs of the Federal District;
>
> (c) Political parties and foreign natural or juridical persons;
>
> (d) International organizations of any type;
>
> (e) Ministers, associations, churches or groups of any religion or sect;
>
> (f) Persons living or working abroad; and
>
> (g) Mexican commercial enterprises."

Right to form associations and groups for the promotion of human rights

491. As has already been stated, article 9 of the Mexican Constitution endorses as a constitutional prerogative the right of the citizens of the

Republic to form associations and to assemble peacefully for any lawful purpose. This prerogative also covers the possibility of forming associations or groups for the promotion of human rights.

492. The Civil Code for the Federal District in ordinary matters and for the Republic as a whole in federal matters provides, in articles 25, section VI, and 2670 to 2687 regulations to govern the associations referred to in article 9 of the Constitution, constituted for lawful purposes, including the promotion of human rights, which include what are known as non-governmental organizations (NGOs), whose main feature is that they are non-profit-making bodies.

493. The national and State human rights commissions may not legally interfere with the establishment of associations or groups for the promotion of human rights and their link with them is restricted to cooperation towards the same end: the defence of human rights. For the constitution of such groups, the requirements established by the law as mentioned in the previous paragraph must be met.

Measures adopted to guarantee that such groups may act freely and perform a role in the protection of human rights

494. The right of association or peaceful assembly for any lawful purpose and any resulting action is guaranteed by the Constitution and the relevant federal civil legislation. Such groups have the same guarantees as all associations of Mexican citizens which derive the above-mentioned legislation.

495. These associations cooperate with the national and State human rights commissions which provide them with the means to achieve their ends. The human rights bodies recognize the important role of these associations, although this does not mean that the latter form part of their administrative structure or that the commissions are empowered to order special measures relating to their activities.

Laws and practices applicable to trade unions, the right of everyone to form and join trade unions for the protection of his interests

496. Article 123, paragraph A, section XIV, of the Mexican Constitution establishes the right of workers and entrepreneurs to join in defending their respective interests by forming trade unions, professional associations, etc.

497. The basic requirements for forming a trade union, in accordance with articles 356, 364, 465 and 366 of the Federal Labour Act, are as follows:

"(a) To have the aim of studying, improving and defending the interests of the members;

(b) To be constituted by at least 20 workers in active service or 3 employers;

(c) To be in possession of the documentation referred to in article 365 of the Federal Labour Act."

498. As regards formalities, article 365 of the Federal Labour Act requires trade unions to be registered with the Ministry of Labour and Social Security where jurisdiction is federal and with the Conciliation and Arbitration Board where jurisdiction is local, for which purposes they shall submit in duplicate:

"I. An official copy of the minutes of the constituent assembly;

"II. A list containing the number, names and addresses of the members and the names and addresses of the employers, enterprises or establishments in which they work;

"III. An official copy of the statutes; and

"IV. An official copy of the minutes of the assembly at which the officers were elected."

499. As regards restrictions on the right of workers to form and join trade unions, article 358 of the Federal Labour Act provides that nobody may be forced to join a trade union or not to join a trade union. Any rule providing for an official fine in the event of separation from a trade union or which in any way detracts from the provision contained in the preceding paragraph, shall be deemed void.

500. Article 363 of the Federal Labour Act states that workers in managerial posts cannot be members of trade unions. The statutes of trade unions may determine the status and rights of members who are promoted to a managerial post.

501. It should be mentioned that trade unions of State workers are regulated by the Federal State Workers' Act, according to article 123, section B, of the Constitution.

Organizational structure of trade unions and numerical composition

502. The Federal Labour Act states in article 356 that a trade union is an association of workers or employers constituted to study, improve and defend their respective interests.

503. As article 359 of the Federal Labour Act provides, trade unions are recognized as having the right to draw up their statutes and regulations, freely to elect their representatives, to organize their administration and activities and to prepare their programme of action.

504. Workers unions may be:

(a) Trade-based - made up of workers of the same profession, trade or specialization;

(b) Company-based - made up of workers serving in the same company;

(c) Industry-based - made up of workers serving in two or more companies of the same industry;

(d) National industrial - made up of workers serving in one or more companies of the same branch of industry, established in two or more federal entities;

(e) Based on several trades - made up of workers from various professions; these may be constituted only when, in the municipality in question, the number of workers in the same profession is fewer than 20, in accordance with article 360 of the Federal Labour Act.

505. Article 361 of the Federal Labour Act states that employers' unions may be:

"(a) Constituted by employers of one or more branches of activity;

(b) National, constituted by employers of one or more branches of activity in different federal entities."

506. Under article 362 of the Federal Labour Act, workers over 14 years of age may be trade union members; under article 363, managerial staff may not join workers' unions.

507. As has already been stated, the Federal Labour Act provides in article 364 that unions must be constituted with at least 20 workers in active service or 3 employers. For the purposes of determining the minimum number of workers, those workers are to be included whose contract was cancelled or terminated within the period between the 30 days prior to the date of submission of the application for registration of the union and the date on which registration is granted.

508. The Ministry of Labour and Social Security has jurisdiction over the estimated 58,000 companies coming under federal jurisdiction, which have approximately 1.7 million workers. In September 1996, 1,718 unions with 1,514,098 members were registered for such companies, according to the reports of the Register of Associations of the Ministry of Labour and Social Welfare. No information is available as to the number of unions under local jurisdiction.

509. According to the results of the 1995 National Survey of Employment, Wages, Technology and Training, manufacturing industry comprised 222,138 establishments and 3,502,767 workers, of which 28,170 establishments had unions (12.7 per cent), with 1,386,252 members (39.6 per cent).

Trade union rights include the right to strike and regulation of this right

510. In Mexico, the right to strike is a constitutional right established by article 123, section A, paragraph XVIII, of the Constitution. This article provides that strikes are lawful when their aim is to strike a balance between the various factors of production and to harmonize the rights of labour with the rights of capital. In the public services the workers are required to give the Conciliation and Arbitration Board 10 days' advance notice of the date of any suspension of work. Strikes are considered unlawful only if the

majority of the strikers commit acts of violence against persons or property, or, in the event of war, if they belong to government establishments or services.

National legislation concerning the 1948 Convention of the International Labour Organization

511. A full reply was given on this point in earlier reports; the information they contain remains valid.

Article 23 of the Covenant

Basic information on the family as a social and legal concept

512. In social terms the family is a group of interrelated individuals living together under the authority of one of them.

513. Mexican legislation recognizes family law, as set forth in title 16 of the first volume of Mexico's Civil Code, in a single chapter entitled "Family litigation", as well as in various articles of the Organization Act of the Ordinary Courts of the Federal District, which refer to the concept of family law.

Organization Act of the Ordinary Courts of the Federal District

Article 2

"Jurisdiction over all civil, commercial, criminal, family, property rental and bankruptcy cases, and cases over which the law gives the federal courts jurisdiction, shall be exercised by the public servants and judicial organs indicated below:

"IV. The family courts ..."

Article 45

In cases before the courts to which they are attached, the family divisions shall hear:

I. Civil liability cases and appeals and complaints lodged in family matters against decisions taken by the courts of the same branch;

II. Legal excuses and challenges by the judges of the High Court, in family matters;

III. Issues of competence arising in family matters between the judicial authorities of the High Court of Justice of the Federal District; and

IV. All other matters specified by law."

...

Article 52

The family courts shall hear:

I. Non-contentious proceedings connected with family law;

II. Marital litigation; litigation relating to amendment of or corrections to civil registry records; litigation concerning kinship, alimony, paternity and filiation; litigation concerning questions in connection with parental authority, loss of rights and guardianship, questions relating to absence and presumption of death, and those relating to any issues of family property, its constitution, diminution, liquidation or any form of assignment;

III. Inheritance cases;

IV. Judicial matters concerning other suits relating to civil status or to the legal capacity of persons deriving from kinship;

V. Consignation proceedings in all matters relating to family affairs;

VI. Questions concerning rogatory commissions, rogatory letters, requisitions and orders in connection with family matters;

VII. Issues relating to matters affecting the individual rights of minors and legally incompetent persons; and

VIII. In general, all family matters requiring action by the courts."

Effective protection of the family by society and the State

514. Information on this topic will be found in the Mexican Constitution:

Article 4, paragraph 2

"Men and women shall be equal before the law. The law shall protect the organization and development of the family."

Recognition and protection of a family formed when a couple who are not officially married live together permanently

515. The relevant information is contained in the Civil Code:

Article 383

"The following shall be presumed to be the offspring of an unmarried couple:

I. Children born more than 180 days after the couple started living together;

II. Children born within 300 days after the couple ceased living together."

Article 389

"Children recognized by the father, by the mother or by both shall be entitled:

I. To bear the paternal surname of their parents or both surnames of whichever parent recognizes them;

II. To receive maintenance from the persons who recognize them;

III. To receive the share of inheritance and maintenance provided for by law."

Article 302

"Spouses shall provide one another with maintenance; the law shall determine whether this obligation still obtains in case of divorce and in other circumstances specified by law. Unmarried couples shall likewise be required to provide one another with maintenance in the circumstances specified by article 1635."

Article 1635

"Both unmarried partners shall be entitled to inherit from one another under the provisions relating to inheritance by spouses, if they have lived together in a marital state for the five years immediately preceding their partner's death or children have been born of the partnership, provided both partners were unmarried while they were living together."

...

Article 1368

"The testator must provide maintenance for the persons specified below:

V. The person with whom the testator had been living, as with a spouse, for the five years immediately preceding his or her death or with whom he or she had children, provided both partners were unmarried while they were living together and the survivor is incapacitated from work or does not possess

sufficient property. This right shall obtain only while the person concerned remains unmarried and his or her conduct is unblemished. If the testator had been living with several persons in a marital state, none of them shall be entitled to maintenance."

...

Article 302

"Spouses shall provide one another with maintenance; the law shall determine whether this obligation still obtains in case of divorce and in other circumstances specified by the law. Unmarried couples shall likewise be required to provide one another with maintenance in the circumstances specified by article 1635."

...

The age at which men and women may marry

516. In conformity with article 148 of the Civil Code for the Federal District, in non-federal matters and for the Republic as a whole in federal matters, males may marry at the age of 16 and females at the age of 14. The Head of the Federal District Department or his delegates may waive the age limit if there are serious and substantiated reasons.

Requirements and procedures for marrying, and restrictions or impediments affecting the right to marry

517. Requirements: In Mexico, the Civil Code lays down the following requirements for entering into marriage:

Article 146. Marriage must be entered into before the officials specified by law and with observance of the formalities required by law;

Article 147. Any condition contrary to the perpetuation of the species or to the mutual support due by spouses shall be null and void;

Article 149. Persons under the age of 18 years may not enter into marriage without the consent of their father or mother, their paternal or maternal grandparents or their guardians, or, in the absence of these, of the family court of the minor's place of residence.

518. Procedure: Persons who wish to enter into marriage shall submit a written application to the civil registrar of the place of residence of either of the intending spouses, indicating or including the following:

(a) The name, surname, age, occupation and address of the intending spouses and of their parents, if they are known;

(b) A statement that there is no legal impediment to the marriage;

(c) A statement of their desire to join in matrimony.

The following documents must be submitted together with the application:

(a) The birth certificates of the intending spouses;

(b) Proof of their consent;

(c) A statement by two adult witnesses who know the intending spouses to the effect that there are no legal impediments to their marriage;

(d) A medical certificate testifying that they are not suffering from any chronic, incurable, contagious or hereditary disease;

(e) The marriage contract between the intending spouses relating to their property;

(f) A copy of the death certificate of the deceased spouse if one of the partners is widowed;

(g) A copy of the dispensation in respect of any impediments to matrimony.

519. The civil registrar who receives a marriage application satisfying the above requirements will require the intending spouses, and their relatives in the ascending line or guardians whose consent is required, separately to identify before him the signatures. The marriage shall be celebrated within a period of eight days, at the place, date and time appointed by the registrar.

520. The following persons must be present before the registrar at the place, date and time appointed for the marriage ceremony: the intending spouses or their special representatives, and two witnesses for each of them to confirm their identity.

521. The registrar shall then read out aloud the marriage application, the documents submitted with it and the formalities that have been completed, and shall request the witnesses to confirm that the intending spouses are the persons referred to in the application. On receiving confirmation, he shall ask each of the parties whether he or she wishes to join in matrimony and if they are willing he shall join them in the name of the law and of society.

522. Restrictions or impediments: The following restrictions or impediments to matrimony are set out in article 156 of the Civil Code:

Failure to meet the legal age requirement without a dispensation;

Absence of consent from whosoever exercises paternal authority, the guardian or judge as appropriate;

The existence of a legitimate or natural consanguineous relationship, without limitation of degree in the direct, ascending or descending line;

The existence of a relationship by marriage in the direct line, without limitation;

The existence of an adulterous relationship between the intending spouses, when proven by law;

An attempt on the life of the spouse of one of the married partners for the purpose of entering into matrimony with the partner thus freed;

Compulsion or serious intimidation;

Incurable impotence and any chronic and incurable diseases that are also contagious or hereditary;

Incapacity for marriage, as provided for by article 450, section II of the Civil Code;
The existence of a marriage with a person other than the intending partner.

523. Article 157 of the Civil Code provides that an adoptive parent may not enter into matrimony with the adopted child or his or her offspring for as long as the legal bond deriving from adoption exists.

524. Article 158 of the Civil Code provides that a woman may not remarry until 300 days after the dissolution of her previous marriage, unless she has given birth to a child during this period. In case of divorce, the 300-day period may begin from the date on which the couple ceased living together.

525. Article 159 of the Civil Code provides that a guardian may not enter into matrimony with the person who has been or is under his guardianship, unless he obtains a dispensation.

Information on non-discrimination between men and women in respect of marriage itself and the principle of equal rights and obligations of spouses in marriage and in case of the dissolution of marriage, the nationality of spouses and their mutual rights and duties and their rights and duties in respect of their children

526. The Civil Code devotes a chapter (arts. 162 to 177) to the rights and duties deriving from marriage; the chapter indicates that both partners are required to contribute to the aims of the marital partnership and to provide one another with mutual support and to decide freely, in a responsible and informed manner as to the number and spacing of their offspring.

527. The spouses shall live together at the marital home, where both shall be entitled to their own authority and to equal consideration. The spouses shall contribute financially to the upkeep of the home, to its maintenance and to that of their children, as well as to the children's education as provided for by law, without prejudice to their sharing of the burden in a manner and proportion agreed upon on the basis of their means. The foregoing obligations shall not apply to anyone who is unable to work and who does not own property, in which case the other partner shall defray the expenses in full.

528. The spouses shall always have equal rights and obligations deriving from the marriage, regardless of their financial contribution to the maintenance of

the home. The husband and wife shall receive equal consideration within the home, and shall decide by mutual agreement all matters relating to the running of the home, the upbringing and education of their children and the administration of the children's property. In case of disagreement, the matter shall be decided by the family court.

529. The spouses may carry on any activity with the exception of those that are harmful to the family's morals or to its structure. The adult husband and wife shall have the capacity to manage their property, to purchase or sell their own property and to take any actions or make any objections relating thereto, without the husband requiring the consent of his wife, or the wife that of her husband. The authorization of the courts shall be required to transfer, encumber or mortgage property belonging to minors.

530. The situation regarding the nationality of spouses in case of dissolution of the marriage is as follows:

General population act

"If aliens contract matrimony with Mexicans or have children who were born in Mexico, the Ministry of the Interior may authorize them to enter Mexico or lawfully to remain there.

If the marriage bond is dissolved or if the alien spouse fails to comply with the obligations laid down by civil law in respect of maintenance, his status as a migrant may be withdrawn and a period may be fixed within which he must leave the country - unless he has acquired immigrant status, his status as a permanent resident may be confirmed or he may be authorized to remain for a further period as a migrant, at the discretion of the Ministry of the Interior."

The Mexican Constitution

Article 30

"Mexican nationality is acquired by birth or naturalization.

A. The following are Mexican by birth:

I. Persons born in the territory of the Republic, irrespective of the nationality of their parents;

II. Persons born in foreign countries of Mexican parents, of a Mexican father, or of a Mexican mother; and

III. Persons born on board a Mexican war or merchant vessel or aircraft.

B. The following are Mexicans by naturalization:

I. Aliens who obtain a naturalization certificate from the Ministry of Foreign Affairs; and

II. Alien women or men who marry a Mexican man or woman and who are domiciled or establish domicile within the national territory."

Nationality Act

Article 16

"An alien woman or man who contracts matrimony with a Mexican man or woman and who have or establish their matrimonial domicile within the national territory may be naturalized as Mexican.

Unless the marriage is annulled, an alien who acquires Mexican nationality on the basis of the preceding paragraph shall keep his nationality after the marriage bond has been dissolved."

Processing of applications for divorce, granting of divorce and the custody of children, with particular reference to non-discrimination between men and women

531. Chapter X, articles 266 to 291 of the Civil Code concern divorce, which dissolves the marriage bond and enables the spouses to remarry. A divorce may be granted by mutual consent or applied for on the basis of any of the grounds set out in article 267 of the Civil Code. A different procedure applies for each of the grounds. The first ground for divorce is administrative and does not involve a law suit, whereas in the case of the second ground each party sets out its claims as to the other's guilt.

532. In order to obtain a divorce by mutual consent an agreement must be submitted specifying the following:

(a) The identity of the person who will have custody of the children born of the marriage, both during the procedure and once the divorce has been pronounced;

(b) The manner in which the needs of the children will be provided for, both during the divorce procedure and once the divorce has been pronounced;

(c) The home in which each of the spouses will live during the procedure;

(d) The amount one of the spouses shall be required to pay to the other as alimony during the procedure and once the divorce has been pronounced, together with the manner in which the payment is to be made and the security given for its payment.

533. A petition for divorce may be submitted only by the spouse who has not given cause for the petition, and within six months from the day on which the grounds on which the application is based came to his or her attention.

534. If the application for divorce is accepted, the following measures will be taken on a provisional basis and only for the duration of the legal proceedings:

(a) The spouses shall be separated;

(b) The maintenance which the spouse responsible for providing maintenance is to give to his or her spouse and children shall be determined and ensured;

(c) Any necessary steps shall be taken to ensure that the spouses are not able to damage their respective property or the property belonging to the communal estate;

(d) The children shall be placed in the custody of such person as may be designated by mutual agreement, who may be one of the spouses. In the absence of such agreement, the spouse petitioning for divorce shall propose the person in whose custody the children are provisionally to remain and the judge will decide.

535. The divorce decree shall establish the situation of the children, for which purpose the judge shall enjoy full powers to resolve all matters relating to the rights and obligations inherent in the parental authority, its loss, suspension or limitation, as applicable, and particularly to the custody and care of the children, in determining which he must obtain the necessary background information.

536. All the rules set out above apply both to men and to women, as decisions concerning guardianship, paternal authority, etc., are taken on the basis of criteria which are assessed on the basis of the law and of judgement, rather than of sex.

Guarantees to provide the necessary protection for children born within or outside marriage if the marriage is dissolved and in the best interests of the children

537. Children born outside wedlock enjoy the same rights as what were formerly known as legitimate children; any disputes are settled by the courts, in conformity with the Civil Code.

Article 24 of the Covenant

Measures taken between 1992 and 1996 to ensure that children enjoy their right to receive special protection

538. The aim of the National Human Rights Commission's Programme on Matters Relating to Women, Children and the Family is to deal effectively with complaints submitted in respect of violations of the human rights of women and children, while simultaneously fostering both legislative and administrative measures to eliminate such violations. To achieve this, information and outreach activities are conducted by various means in order to alter cultural archetypes that foster discrimination against women and the abuse of women and children.

539. Between June and December 1996 the Commission finished collating the Mexican federal and local norms relating to the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child. The collation was used to prepare a number of proposals regarding the necessary amendments to the federal and State constitutions and laws on social welfare, education, health and elections and to the civil, criminal and family codes.

540. The purpose of the proposals is to ensure that legislation provides better protection of the rights of women, on the basis of a gender-specific approach, as well as those of children, on the basis of the principle of the best interests of the child; the principal proposals concern the right to a life without violence, to an identity from birth and to protection within the bosom of the family.

541. By this effort, the National Human Rights Commission is contributing to the fulfilment of Mexico's obligation to implement the international conventions referred to above. The studies were submitted to the President of the Republic, the Head of the Government of the Federal District and to the 31 State Governors.

542. A study has also been carried out and published on the adjustments to civil, family and criminal legislation that are needed in order to deal with the phenomenon of family violence. The main conclusions are as follows:

Civil law procedures need to be introduced in order to protect the victims of family violence with due speed;

In the area of criminal law family violence must be codified and punished, in accordance with its seriousness and recurrence, with a prison sentence and alternative penalties;

In the sphere of health and social welfare, a programme should be set up to curb the phenomenon of family violence.

543. The National Commission has also prepared and printed a document for mass publication entitled "Family violence and how to put a stop to it". Another document entitled "The Mexican criminal justice system for juveniles and the United Nations doctrine of comprehensive protection for children", which emphasizes the need to adapt Mexican legislation to the relevant international principles, has also been prepared.

544. With regard to offenders who are minors, the National Human Rights Commission carried out an inspection of the Dr. Alfonso Quiroz Cuarón high-security young offenders centre in the Federal District, and made seven visits to centres located in the Federal District and the State of Chiapas in order to follow up individual complaints.

545. During the period from June to December 1996, a total of 78 complaints alleging violations affecting children were received which, together with the 44 already being processed during the previous half year makes a total of 122 on 2 December 1996; 56 of these were being examined and 66 had been

dealt with as follows: 36 were redirected, 14 were resolved during trial, 11 were resolved through amicable settlement and the Commission was not competent in respect of 5 others.

546. Within families a number of violations of human rights occur against which the most vulnerable victims - women and children - are defenceless and these require urgent attention. Steps have been taken within the sphere of competence of the National Commission to deal with these phenomena and bring them under control.

547. It should also be mentioned that within its area of competence the National Commission has provided solutions to problems such as family violence, neglect of family obligations, sexual offences, depravation of minors and the unequal exercise by men and women of their fundamental rights within the couple.

548. The National Commission's responses to these problems are intended on the one hand to change cultural stereotypes by widely disseminating information to counteract the culture of violence and secondly to establish a normative environment which ensures that women and children are protected by the law.

549. The Programme on Matters Relating to Women, Children and the Family, established by the Commission's Board on 5 July 1993, has been guided by the principles of equality between men and women and the best interests of the child, both in its work in dealing with complaints and applications for support submitted to it and in examining problems hampering the monitoring and protection of the human rights of women and children, in order to identify and suggest potential solutions and to contribute towards the development of a culture marked by equal respect for the rights of all.

550. Where young offenders are concerned, between June and December 1996, 63 complaints of human rights violations were dealt with; 162 inspections were made of Mexico's 58 young offenders' detention centres; 32 recommendations were made in respect of them and, in conjunction with the United Nations Children's Fund (UNICEF), five regional workshops covering the whole of Mexico and dealing with legislative and technical aspects of the issue were held.

551. The following documents were prepared or compiled: "A proposal to restore the human rights of young offenders in Mexico", "A history of the treatment of young offenders in the Federal District" and "Minors and the judicial system". In the course of this three-and-a-half year programme, outreach material on the topic has been produced in the form of two video documents and three mass-circulation booklets. In addition, the Commission took part in 63 national and 6 international events concerned with human rights and gender issues and gave 9 newspaper, 37 radio and 9 television interviews. The National Human Rights Commission convened a National Symposium on the Human Rights of Women and a Seminar on Family Violence, and also organized a diploma course on gender issues.

The extent to which boys and girls enjoy all the civil rights set forth in the Covenant

552. The answer to this question is the same as that given in earlier reports.

Measures taken to ensure that boys and girls do not directly take part in armed conflicts

553. The Government of Mexico has played an active role in the working group of the United Nations Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts, and Mexico's social policy is designed to ensure the well-being, development and survival of its child population.

554. The Government of Mexico believes that, notwithstanding the current difficulties besetting the country and the world as a whole, childhood is a time for discovery and development, for living in security, unburdened by fears. Childhood is a time of life when society should ensure full access to health, education and food. The involvement of children in armed conflicts is contrary to these aspirations.

555. The draft optional protocol is in line with the spirit both of Mexico's Constitution and of the National Military Service Act and its regulations, both of which clearly specify the circumstances in which minors may volunteer for national military service, without being required to serve on active duty.

The age of majority for children in civil matters and the age of criminal liability

556. In Mexico the age of majority for both males and females is 18; at this age they acquire rights and duties as Mexican citizens, in conformity with Mexico's Constitution.

557. As regards civil matters, book one, title one, of the Civil Code provides as follows:

Civil Code

Article 22

"Natural persons acquire legal capacity at birth and lose it when they die; however, individuals are protected by the law from the moment of their conception and are considered as born for the purposes set out in this Code."

Article 23

"The age of minority, legal disability and other disqualifications are restrictions of legal personality that may neither undermine personal dignity nor jeopardize the integrity of the family; however, legally disqualified persons may exercise their rights and enter into commitments through their representatives."

Article 24

"A person over the age of legal majority may freely dispose of his person and property, subject to the restrictions laid down by law."

558. Criminal responsibility is assumed from the age of 18 years.

559. Act relating to the treatment of young offenders, published in the Diario Oficial of the Federation on 24 December 1991.

Article 1

"The purpose of this Act is to regulate the State's responsibility for protecting the rights of minors and for the social rehabilitation of minors whose conduct is classified as an offence by the criminal legislation of the Federation and of the Federal District. It shall apply in the Federal District to ordinary matters and throughout the Republic in federal matters."

...

Article 4

"The Minors' Council is hereby established as a decentralized administrative organ of the Ministry of the Interior; it shall function as an autonomous agency and shall be responsible for the implementation of the provisions of this Act.

"Cases of acts or omissions by persons under the age of 18 years which are classified as offences by Federal criminal legislation may be heard by the local juvenile councils or courts where the offences were committed, in conformity with the relevant agreements between the Federation and the State Governments."

...

Article 6

"The Minors' Council shall have jurisdiction over acts committed by persons aged over 11 and under 18 years which are classified as offences by the criminal legislation referred to in the first article of this Act. Persons aged under 11 years shall receive the assistance of the relevant public, voluntary and private institutions, which shall for this purpose assume the status of auxiliaries of the Council."

Legal age at which children are entitled to work and age at which they are considered as adults for the purposes of labour law

560. The Federal Labour Act prohibits the employment of persons aged under 14 years and regulates the employment of minors over 14 years of age providing personal services under the authority of an employer. Furthermore, articles 22 and 23 clearly prohibit the employment of minors aged under 14 years and of those aged between 14 and 16 years who have not

completed their compulsory education, except in those cases approved by the competent authorities in which employment is compatible with study.

561. Persons aged over 16 years may freely provide their services, subject to the restrictions laid down in article 175 of the Federal Labour Act. Minors aged between 14 and 16 years require the permission of their parents, or failing that of their guardians, of their trade union, of the Arbitration and Conciliation Board, of the labour inspector or of the political authority. Employed minors are entitled to receive payment of their wages and to press their claims.

Legislative and practical measures to ensure that the purpose of the measures to provide special protection for girls and boys is to eliminate discrimination in all spheres, including in respect of inheritance, and in particular between Mexican and alien children or between legitimate children and children born out of wedlock

562. This question is covered in the previous reports.

The manner in which society, the social institutions and the State fulfil their responsibility to help families to ensure the protection of children

563. This question is covered in the previous reports.

Information on special measures of protection for abandoned children or children deprived of their family environment designed to allow their development in the conditions most resembling that environment

564. Information under this head can be found in the following legal instruments:

National Social Welfare Act

Article 1

"This Act shall have effect throughout the Republic; its provisions are public and of social concern and its purpose is to establish the bases and procedures for a national social welfare system to promote the provision of the welfare services established by the General Health Act and coordinate access to them, guaranteeing the assistance and collaboration of the Federation, the federal entities and the social and private sectors."

Article 3

"For the purposes of this Act, social welfare shall be understood as meaning the group of activities aimed at modifying and improving the social circumstances which prevent the full development of the individual, and the physical, mental and social protection of persons who are in need, lack protection or are physically or mentally disabled, in order to ensure their incorporation into a full and productive existence."

Article 4

"Under the terms of the preceding article of this Act, the following persons shall be given preference in the provision of welfare services:

I. Abandoned, unprotected, undernourished or ill-treated minors;

X. Family members who are financially dependent on persons in penal detention who are in a state of abandonment."

Organizational Statutes of the National System for the Integral Development of the Family

Article 1

"The National System for the Integral Development of the Family is a decentralized public body and legal entity possessing its own resources whose aim is the promotion of social welfare, the provision of services in that field, the promotion of the systematic interlinking of relevant action by public institutions and the taking of other measures to establish applicable legal provisions."

Article 2

"In order to achieve its aims it shall:

I. Promote and provide social welfare services;

IV. Promote and encourage the healthy physical, mental and social development of minors;

VI. Operate social welfare establishments for abandoned minors, elderly persons with no means of support and disabled persons without resources;

XII. Provide legal assistance and social guidance to minors, the elderly, the disabled and persons without resources in general."

Federal District Private Welfare Institutions Act

Article 1

"Private welfare institutions are legal entities which use privately-owned resources to perform acts of humanitarian assistance, on a non-profit making basis and without individually designating the beneficiaries.

"Institutions, whose aim is the performance of acts of solidarity for the purpose of social development, may be included in the provisions of this Act."

Article 7 (first paragraph)

"Private welfare institutions shall be considered to be of public benefit and shall be exempted from the payment of the taxes, duties and fees established by the laws of the Federal District; taxes on products manufactured in their own workshops and retailed by the institutions themselves; and federal taxes when federal laws so determine."

Article 83

"The Private Welfare Board is an administrative body, with decentralized functions and forming part of the Federal District Department, through which the public authorities exercise the supervisory and advisory role which is their responsibility over the private welfare institutions established in accordance with this Act."

Article 84

"The Board shall be governed by a Board of Directors composed of:

...

The remaining members shall be appointed by the institutions, of which they may or may not be sponsors; they shall not be public servants and shall be appointed singly for each of the sections indicated below, according to the predominant function of the institutions:

(a) Care of children and young people; ..."

Article 93 bis

"The Federal District Department may conclude coordination agreements with the governments of the states in order to provide them with advisory services and technical assistance in the area of private welfare through the Private Welfare Board."

Article 98

"In addition to visits and inspections in connection with the property of the institutions, inspections shall be carried out in order to ascertain:

I. Whether the aims of the institutions are being achieved;

II. Whether the welfare establishments are suited to their purpose;

III. Whether the dormitories, rooms, classrooms, etc. are comfortable and clean;

IV. Whether the food provided is sufficiently healthy;

V. Whether regular and timely medical services and assistance are provided;

VI. Whether the clothing of the inmates and the linen used in the establishment are in good condition;

VII. Whether the treatment which the beneficiaries receive is or is not in keeping with the humanitarian objectives of the institution;

VIII. Whether the beneficiaries satisfy the requirements established in these statutes and in general whether these statutes and the laws and regulations relating to private welfare are observed."

Article 142

"Persons who represent, direct or administer institutions, schools, orphanages, hospitals or other establishments for carrying out the activities referred to in article 1 of this Act, which operate without the authorization of the Private Welfare Board, when such authorization is required by the latter, shall be punished under the provisions of the preceding article."

Measures adopted to guarantee the immediate registration of children born in the territory of Mexico

565. Articles 54 to 57 of the Civil Code state that a declaration of birth requires the child to be presented to the Civil Registrar in his office or the child's place of birth. The father and mother of the child, or either one of them, or in their absence the paternal or maternal grandparents, are required to declare the birth within six months of the date on which it occurred. The doctors, surgeons or midwives who attended the birth are required to inform the Civil Registry Office of the birth within 24 hours of its occurrence.

566. If there is no Civil Registry Office, the child must be presented to the local government or municipal authority which will issue a confirmation of the birth that the persons concerned must take to the appropriate registrar so that he may draw up the birth certificate.

Measures adopted to guarantee that a child will have a nationality

567. Information on this question is to be found in the Mexican Constitution:

Article 30

"Mexican nationality is acquired by birth or by naturalization.

A. The following are Mexicans by birth:

I. Persons born in the territory of the Republic, whatever the nationality of their parents;

II. Persons born abroad of Mexican parents, of a Mexican father or a Mexican mother, and

III. Persons born on board Mexican naval or merchant vessels or aircraft.

2B. The following are Mexicans by naturalization:

I. Aliens who obtain a naturalization card from the Ministry of Foreign Affairs, and

II. Male or female aliens who enter into marriage with a Mexican and who have or establish domicile in the national territory."

568. The Nationality Act cites as documentary evidence of Mexican nationality the birth certificate and the certificate of nationality which the Ministry of Foreign Affairs issues on request.

Article 25 of the Covenant

Regulations and restrictions which apply to the exercise of the political rights of citizens in general and in respect of specific categories of persons

569. The Mexican Constitution recognizes as a fundamental principle the exercise of the political electoral rights of citizens to vote and to be elected and the right of free and peaceful affiliation in order to take part in the country's political affairs. These political rights of the Mexican people, as individual guarantees of citizens, have undergone important changes that have strengthened them and provided them with means of protection.

570. In Mexican electoral law, suffrage is regarded as both the citizen's prerogative and his obligation. As a prerogative it constitutes one of the fundamental political rights permitting the citizen to take part in the constitution of the public authorities in his dual role as elector and as a person eligible for a ruling position. As an obligation, the vote is a citizen's duty to the society of which he is a member.

571. Suffrage in Mexico is universal, free, secret and direct, as the Constitution prescribes. The vote is universal because all citizens who meet all the requirements established by the law have a right to vote, without discrimination on grounds of race, religion, sex, social status or education. Suffrage is free because the elector is not subject to any kind of pressure or compulsion to cast his vote. The vote is secret in that it is guaranteed that the preference or desire of the elector as an individual will not be made public. The vote is direct since the citizen himself elects his representatives.

572. In addition to the above-mentioned aspects, which the Mexican Constitution prescribes, suffrage in Mexico is also considered to be personal and non-transferable. It is personal since the elector must personally go to his assigned polling station to cast his vote, and non-transferable since he

573. The recent legislative reform (Diario Oficial of 22 August 1996) regulates these political rights in the following terms:

574. The Mexican Constitution states the following:

"Article 34. In order to exercise his political rights, a person must be Mexican and over 18 years of age.

Article 35, sections I and III. It is the citizen's prerogative to vote in elections and to join individually and freely in peaceful participation in the political affairs of the country.

Article 41, section IV. A rebuttal system exists whereby protection of the political rights of citizens to vote and to be elected and to have the right of association is ensured.

Article 99, section V. It is the responsibility of the Federal Electoral Tribunal, recently incorporated into the Mexican judiciary, to resolve conclusively and incontrovertibly any challenging of acts and decisions which violate the electoral rights of citizens."

575. The restrictions are to be found in the Federal Code on Institutions and Electoral Procedures (COPIE), which provides in articles 4, 5 and 6 that citizens shall participate in elections, thus guaranteeing realization of the political rights set out in the Mexican Constitution. Mexicans may freely exercise their political rights established in the Constitution, with the following exceptions:

Article 162.7. When the courts order suspension or loss of political rights or declare the absence or presumed death of a citizen, in accordance with Title 11 of the Civil Code.

Article 163.7. For reasons of death or disqualification from exercising political rights by decision of a court.

Criminal Code

Article 46. A sentence of imprisonment which carries with it the suspension of political rights.

Constitution

Article 130 (d). The requirement not to be a minister of any religion; ministers have the right to vote but not to be elected, unless they have ceased to be a minister as provided in the Religious Associations and Public Worship Act.

576. The Mexican State has no special regulations governing the exercise of the political rights of specific categories of persons or particular social groups. Mexican citizens recognized as such by the Constitution are guaranteed the exercise of their political rights by the Constitution itself

577. Legislation and practice concerning access to public office: In this regard, the Constitution provides in article 5 that no person may be prevented from practising the profession, or engaging in the activity, trade or work of his choice, provided it is lawful. This premise and that contained in article 123 which states that everyone has the right to appropriate and socially useful work, constitutes the basis of the legislation regulating the access of all citizens to any public activity or office. As regards the civil service, the Constitution guarantees the right of access of all Mexicans to civil service posts. The sole exception is that provided in article 130 of the Constitution which states: "Under the terms of the regulatory act, ministers of religion shall not hold public office. As citizens they shall have the right to vote, but not the right to be elected ...".

578. It is clear from the sections referring to this question, both in the Constitution and in the regulatory act, that access to public posts is guaranteed to all persons who satisfy the requirements set out in the regulations.

579. In practice, apart from the above-mentioned exception of ministers of religion, there is no impediment to access to a public post, provided the requirements set out in the regulations are met and the necessary nomination has been received.

580. Description of the national electoral system: The Federal Electoral Institute (IFE) is a permanent autonomous public body, independent in its decisions and operation, and a legal entity with its own resources. It has 32 local offices, one in each federal entity and 300 branch offices, one in each uninominal electoral district, as well as municipal offices.

581. The Institute's aims are the following:

(a) To contribute to the development of democracy;

(b) To strengthen the political party system;

(c) To constitute the Federal Register of Electors;

(d) To ensure that citizens may exercise their electoral rights;

(e) To guarantee the peaceful holding of elections;

(f) To ensure genuine suffrage;

(g) To promote and disseminate a political culture.

582. The central organs of the Federal Electoral Institute are:

583. The General Council: This is the principal organ of the Institute. It is responsible for ensuring compliance with the Constitution and the electoral laws and establishes such committees as are required for the implementation of its terms of reference.

584. It meets in ordinary session every three months and in special session whenever the president of the Council considers this necessary, or at the request of the representatives of the national political parties. When ordinary federal elections are held, it meets during the first week of January. The decisions and resolutions adopted by the General Council have to be published in the Diario Oficial of the Federation.

585. General Executive Board: The Board is composed of the Secretary-General of the Institute and the executive directors of the Federal Register of Electors, and the committees on prerogatives, political parties and broadcasting, electoral organization and the professional electoral service, training in electoral matters and civic education and administration. It is chaired by the Director-General.

586. Office of the Director-General: The Director-General presides over and coordinates the work of the General Executive Board, leads the administration and supervises the activities of the Institute's executive and technical bodies. His terms of reference include legal representation of the Institute and attending the sessions of the General Council of the Institute.

587. Electoral observers: The category of electoral observers was created following the political and electoral reform of 1996. These observers are entitled to take part in elections once an application for registration has been made by the organization to which they belong and the requirements laid down in the Federal Code on Institutions and Electoral Procedures have been met.

588. Federal Register of Electors: This comprises the general list of electors and the electoral register. The general list contains basic information on male and female Mexicans of 18 years of age and over, which is obtained by means of a full census procedure. The electoral register contains the names of the citizens included in the general list of electors and those who have applied to be included in the electoral register.

589. The two sections of the Federal Register of Electors are made up on the basis of:

The censuses that are carried out;

Direct and personal registration of citizens;

Inclusion of the data contributed by the competent authorities concerning deaths, eligibility, ineligibility and rehabilitation of the political rights of citizens.

590. It is mandatory for the IFE to include citizens in the various sections of the Federal Register of Electors and to send them their voter's card, which is indispensable for the exercise of the right to vote.

591. The census procedure consists in house-by-house interviews conducted in order to obtain basic information concerning Mexicans aged 18 or over, and to check that there is no duplication in the general list. Once the information

has been obtained, the Office of the Executive Director of the Federal Register of Electors draws up the electoral register and sends out the necessary voters' cards.

592. Once the voter's cards have been issued, the lists of electors on the electoral register can be drawn up with the names of those to whom a card has been issued. These lists are made up by electoral districts and sections, and are made available to the political parties for review.

593. In order to update the general list of electors and the electoral register, the IFE conducts an information campaign in January and February for the purpose of ensuring the registration of citizens who were not included when the full census operation was conducted, or who became citizens subsequent to the bringing into force of the Federal Register of Electors by the Office of the Executive Director.

594. During the updating period, citizens who have not reported a change of address, or who are included in the general list of electors but whose name is not included in the electoral register, or who have lost their voter's card or whose political rights have been suspended, are also required to report.

595. Citizens who have duly obtained their voter's card but who do not appear on the list of electors' names in the section corresponding to their domicile, may ask for the list to be amended. Partial censuses are conducted in order to collect basic information from citizens who have not been included in the general list of electors, or, if necessary, to check the data contained in it, by means of house-to-house visits.

596. The lists of electors' names are prepared by the Office of the Executive Director who transmits them to the district boards in accordance with article 53 of the Mexican Constitution. These lists are also made available to the national political parties for review and comment.

597. Once the above-mentioned procedures have been completed, orders are given for the printing of the list of electors by district and by electoral section for issue to the local councils and distribution to the district councils and through the latter to the local polling stations.

598. The voter's card must contain the following data:

Federal entity, municipality and district of domicile;

Uninominal electoral district and electoral section in which he is required to vote;

Patronymic, matronymic and full name;

Address;

Sex;

Age and year of registration;

Registration code.

599. Electoral process: The electoral process is a set of actions required by the Mexican Constitution and the Federal Code on Institutions and Electoral Procedures, performed by the electoral authorities, the national political parties and the citizens, with a view to the periodic renewal of the membership of the country's legislative and executive authorities.

The ordinary electoral process begins in January of the year in which federal elections take place and ends in November of the same year; it includes the following stages:

The preparation of the election;

The period during which the election is held;

Determination of the results of the elections;

The post-election assessment.

600. The right to apply for the registration of candidates for posts subject to popular election is exclusive to the national political parties. When the Chairman or secretary of the corresponding Council receives an application for the registration of candidatures, a check is made to ensure that the requirements set out in the Federal Code on Institutions and Electoral Procedures have been met.

601. Election campaign: The election campaign consists of the set of activities carried out by the national political parties, the coalitions and the registered candidates with the aim of securing votes. It is regulated by article 9 of the Constitution.

602. The election campaign comprises public meetings, assemblies, marches, etc., regulated by the above-mentioned article 9 of the Constitution; it also comprises electoral propaganda produced and disseminated during the campaign by the political parties, as provided in articles 6 and 7 of the Constitution.

603. Once the candidates of the political parties have been registered, they have the right to nominate two representatives and an alternate for each polling station and also general property-owning representatives, who enjoy the rights established by the relevant legislation.

604. The procedure for the establishment and location of the polling stations consists in dividing the uninominal districts into sections with a maximum of 1,500 voters, and establishing a polling station for every 750 voters or fraction of that number. The procedure for establishing the polling stations consists in the district executive boards, during the month of April of the year in which the elections are to be held, drawing 20 per cent of the citizens by lot from the lists of voters for each electoral section.

605. Ballot papers are printed in accordance with the model adopted by the General Council of the IFE, with regional lists of the property-owning

candidates and alternates whose names have been put forward by the political parties; these lists must be in the hands of the district council 20 days before the election.

606. The ballot boxes in which the voters put their ballot papers must be made of a transparent material and preferably be folding or capable of being assembled. The president and the secretary of each polling station must make sure that the premises in which they are installed ensure freedom to vote and secrecy.

607. On the third Sunday in August in a regular election year, at 8 a.m., the nominated citizens, president, secretary and polling officers of the polling station must set up the polling station in the presence of the representatives of the political parties taking part in the election. The certification of establishment of the polling stations must be signed by all the officials and representatives, whereupon the president announces the start of voting.

608. Voters cast their vote in the order in which they arrive at the polling station, and must comply with the following requirements:

Show their voter's card;

Identify themselves by one of the following means:

(i) Document proving Mexican citizenship;

(ii) Any kind of document containing the voter's personal data;

(iii) Driving licence;

(iv) Match of the signature on the voter's card;

(v) Personal acquaintance of the polling officers with the voter.

609. Once it has been verified that the voter is on the list and once he has been fully identified, the president gives him the ballot papers and he then goes freely to the polling booth and in privacy marks the box on the ballot papers corresponding to the political party for which he is voting or notes the name of the registered candidate for whom he wishes to vote. He then folds his ballot papers and places them in the appropriate ballot box, whereupon the secretary enters the word "voted" on the appropriate list, perforates the card of the voter who has just voted, marks the voter's right thumb with indelible ink and returns his voter's card to him.

610. The poll closes at 6 p.m. The president declares the poll closed and the secretary certifies the closure in writing. The votes cast in the polling station are checked and counted in the following order:

Deputies;

Senators;

President of the Republic.

611. The final record on the counting of the votes must contain at least the number of votes cast for each political party or candidate, the number of unused ballot papers left over, the number of invalid votes, a report on any incidents that occurred during the voting and the counting and a written list of any objections raised by the representatives of the political parties following the vote and the count. Once these operations have been concluded, the secretary draws up minutes which must be signed by the polling officers and the representatives of the parties who wish to do so.

612. In order to guarantee order and the proper conduct of events on election day, the police forces of the Federation, the states and the municipalities are required to provide such assistance as the Federal Electoral Institute bodies may require.

613. Federal Electoral Tribunal: The Tribunal, the jurisdictional body for electoral matters, is responsible for the hearing and processing of the remedies of appeal and objection which may be applied for in connection with the electoral proceedings, the purpose being to guarantee the legality of the acts, decisions and results of the election, to which end the following remedies have been established:

Remedy of review: the challenging of decisions resolutions or acts of the electoral bodies;

Remedy of appeal: During the preparation of the elections, to challenge decisions given on remedies of review or acts or decisions of the General Council of the IFE;

Remedy of objection: To challenge the results of district or federal entity counts and secure the annulment of the voting in one or more polling stations or to request annulment of the election of deputies and senators or annulment in a plurinominal electoral district.

614. These remedies may be applied for by political parties through their lawful representatives and by citizens when they are improperly included in or excluded from the list of voters.

Application of the principle of non-discrimination in the electoral system and equality of opportunity of all citizens to take part in the conduct of public affairs

615. The Political Constitution of 1917 establishes the principle of non-discrimination in electoral matters, i.e., it makes no distinction on grounds of sex, race, religion or social status in guaranteeing the participation of citizens in matters concerning elections.

616. Articles 1 to 35 of the Mexican Constitution contain no discriminatory principles in connection with the electoral system, as article 34 provides for the political participation of Mexican citizens in elections without any requirements other than having reached the age of 18 years and living by honest means. Thus, any person who is in Mexico and is a Mexican citizen, has the prerogative of voting, of being elected and of free and individual association with a view to peaceful participation in the nation's affairs.

617. Similarly, the texts regulating the articles of the Constitution concerning the electoral system are fully consistent with the principles of non-discrimination which mark the spirit of the Constitution. The Federal Code on Institutions and Electoral Procedures (COPIE) states that voting in elections is a citizen's right exercised to elect the members of State bodies by popular vote.

618. The Code provides that in order to exercise his voting right a citizen must, in addition to satisfying the requirements of article 34 of the Constitution, comply with the following: (1) be registered in the Federal Electoral Register and (2) be in possession of a voter's card.

619. The guarantee of equality of opportunity for all citizens to take part in the conduct of public affairs is covered by the articles of the Constitution concerned with access to public office, articles 5 and 123, section B, paragraphs I, II and III, and with posts filled by popular election, article 108. These provisions establish the right of citizens to accede to public posts, which may give rise to an administrative function, so that any citizen who has become a public official may aspire to an administrative post in Mexican public affairs.

Information on the rules and regulations governing equality of access to public service

620. This question is dealt with in the Federal Code on Electoral Institutions and Procedures:

Article 4

"Voting in elections is a right and obligation of the citizen which is exercised for the purpose of constituting the popularly elected organs of the State.

"The vote is universal, free, secret, direct, personal and non-transferable."

Article 5

"Mexican citizens have the right to form national political parties and to belong to them.

"Mexican citizens have a duty to sit on the executive boards of polling stations as provided by this Code."

Article 6

"In order to exercise their vote, in addition to the requirements of article 34 of the Constitution, citizens must satisfy the following requirements:

"(a) Be registered on the Federal Electoral Roll as provided in this Code; and

"(b) Be in possession of a voting card."

Mexican Constitution

Article 35

"The prerogatives of the citizen are:

"(I) To vote in general elections;

"(II) To be eligible for election to any elective post and for nomination to any other post or office, if suitably qualified in accordance with the law;

"(III) To associate individually and freely for the purpose of participating peacefully in political affairs as provided for by law;

"(IV) To serve in the Army or the National Guard in the defence of the Republic and its institutions, in accordance with the provisions of the law; and

"(V) To exercise the right of appeal in all types of case."

Article 32

"All other circumstances being equal, Mexicans shall be given preference over aliens, in the granting of any type of concession, as well as for Government employment, position or office for which the status of citizen is not a requirement. In peacetime no alien may serve in the Army nor in the police or public security forces.

"Only persons who are Mexican by birth may serve in the Navy or the Air Force or hold any post or commission in them. The same requirement shall apply to captains, pilots, ships' masters, engineers, mechanics and, in general, all crew members of any ship or aircraft flying the flag or merchant ensign of Mexico. Only persons who are Mexican by birth may perform the function of harbour master or any duties of airport operation or management, or those of Customs Officer of the Republic."

621. It should also be emphasized that, in Mexico, every citizen has the right to participate in public service in two basic ways. The first relates to the right of Mexicans to participate in the democratic planning of national development, since, notwithstanding the human, natural and material resources available to the State, such planning requires the participation of all sectors because of their interest in such planning and the skills available in their respective fields of activity. This has been the case since 1983, when article 26 of the Constitution was amended to provide for incorporation of society's aspirations and demands into development plans and programmes with which the Federal Government's programmes must conform; the second area of participation is concerned with activities aimed at the provision of State, municipal or other public services, to which citizens should have access.

622. While the first area of participation is realized with the formulation of the current National Development Plan, a document expressing Mexicans' economic, political and social aspirations, the second is a right that is continually being exercised. The citizen is guaranteed access to public service and if such access is denied he has the right to demand that it be granted.

623. The State, the federal entities, the municipalities and the decentralized agencies are responsible for meeting the general needs provided by public services, whose operation is regulated by the Federal Public Administration (Organization) Act, the organization acts of the entities of the Republic, the organizational ordinances of the municipal administrations and other regulations established by those administrations.

624. Furthermore, article 8 of the Mexican Constitution provides that "civil servants and public employees shall respect the exercise of the right of petition, provided the petition is presented in writing, peacefully and in a respectful manner. In political matters, however, only Mexican citizens may exercise this right." The citizen is thus effectively guaranteed a response to his petition and, if none is forthcoming, he has recourse to the remedies provided for in the legal and administrative framework, or to the remedy of amparo. In addition, under article 35, paragraph (v), of the Constitution, every citizen has the right of appeal in all cases dealt with by the courts.

Provisions relating to the right of aliens to take part in the conduct of public affairs, particularly through general or local elections, and to occupy public posts in central or local government bodies

625. Mexican law does not recognize the participation of aliens in the conduct of public affairs.

Mexican Constitution

Article 34

"Citizens of the Republic are defined as men and women who are Mexican and who also:

"I. Have attained the age of 18 years, and

"II. Live by honest means."

Article 33

"Aliens are defined as those who do not have the characteristics set forth in article 30. They are entitled to the guarantees accorded under chapter I, title I, of this Constitution. However, the Executive of the Union shall have exclusive authority to have expelled from the national territory, with immediate effect and without the need for a prior hearing, any alien whose presence it deems undesirable.

"Aliens may not interfere in any way in the political affairs of Mexico."

626. From the foregoing it will be seen that aliens may not vote or be elected in popular elections, nor may they serve in the Army or the National Guard.

Article 26 of the Covenant

Measures adopted between 1992 and 1996 to amend the current legislation and enact new laws in order to guarantee the non-discriminatory nature of the law in accordance with the principle that all persons are equal before the law and have the right to equal protection under the law

627. The equality of all individuals before the law is established in the Mexican Constitution:

Article 1

"Every person in the United Mexican States shall enjoy the guarantees granted by this Constitution, which may not be restricted or suspended except in the cases and under the conditions specified in the Constitution."

Article 4

"The Mexican Nation has a multicultural composition originally founded in its indigenous peoples. The law shall protect and promote the development of its languages, cultures, usages, customs, resources and specific forms of social organization and shall guarantee its constituent peoples effective access to the jurisdiction of the State. In the trials and agrarian proceedings in which those peoples may be involved account shall be taken of their legal practices and customs, in the terms to be established by law.

"Men and women are equal before the law."

628. One of the main tasks of the National Human Rights Commission, which has been in existence for more than six years, has been to promote the study, the teaching and the publicizing of human rights. Priority has been given to ensuring that sections of Mexican society acquire and apply an understanding of the theory and practice of human rights and human rights institutions, with a view to establishing a human rights culture and eliminating systematic human rights violations arising from practices such as racism, xenophobia and racial discrimination.

629. Further information on this subject is to be found in the eleventh periodic report of the Government of Mexico under the International Convention on the Elimination of All Forms of Racial Discrimination, submitted to the Committee on the Elimination of Racial Discrimination in 1996.

Article 27 of the Covenant

Minority groups and indigenous peoples within national territory

630. The institutions responsible for censuses of the indigenous peoples have made being a speaker of an indigenous language a basic qualification, which has at times resulted in underestimates of such populations. According to the National Institute for Indigenous Affairs (INI), the indigenous peoples of Mexico are as follows:

1. the Aguatecos of Chiapas
2. the Amuzgos of Guerrero and Oaxaca
3. the Cakchiqueles of Chiapas
4. the Chatinos of Oaxaca
5. the Chichimecas Jonás of Guanajuato
6. the Chinantecos of Oaxaca and Veracruz
7. the Chochos of Chiapas
8. the Choles of Chiapas
9. the Chontales of Oaxaca
10. the Chontales of Tabasco
11. the Chujes of Chiapas
12. the Cochimíes of Baja California
13. the Coras of the high Sierra de Nayarit
14. the Coras of the low Sierra de Nayarit
15. the Cucapás of Sonora and Baja California
16. the Cuicatecos of Oaxaca
17. the Guarijíos of Sonora and Chihuahua
18. the Huastecos of San Luis Potosí, Veracruz, Hidalgo and Puebla
19. the Huaves of Oaxaca
20. the Huicholes of Jalisco, Nayarit, Durango and Zacatecas
21. the Ixcatecos of Oaxaca
22. the Ixiles of Chiapas

23. the Jacaltecos of Chiapas

24. the Kanjobales of Chiapas

25. the Kakchíes of Chiapas

26. the Kikapúes of Coahuila

27. the Kiliwas of Baja California

28. the Kumiais of Baja California

29. the Lacandones of Chiapas

30. the Mames of Chiapas

31. the Matlatzincas of Mexico State

32. the Peninsular Mayas of Campeche, Yucatán and Quintana Roo

33. the Mayos of Sonora and Sinaloa

34. the Mazahuas of Mexico State, Michoacán and the Federal District

35. the Mazatecos of the high Sierra de Oaxaca

36. the Mazatecos of the low Sierra de Oaxaca and Veracruz

37. the Mexicaneros of Durango and Nayarit

38. the Mixes of Oaxaca

39. the Mixtecos of Puebla

40. the Mixtecos of the high Sierra de Oaxaca

41. the Mixtecos of the low Sierra de Oaxaca

42. the Mixtecos of Guerrero

43. the Mochos of Chiapas

44. the Nahuas of Puebla and Veracruz

45. the Nahuas of the Federal District and Texcoco

46. the Nahuas of Morelos and Guerrero

47. the Nahuas of Mexico State and Michoacán

48. the Nahuas of Jalisco, Colimay and Michoacán

49. the Nahuas of Morelos and the Federal District

50. the Otomíes of Hidalgo, Queretaro and Veracruz

51. the Pai-pais of Baja California

52. the Pames of San Luis Potosí

53. the Pápagos of Sonora

54. the Pimas of Sonora and Chihuahua

55. the Popolocas of Veracruz

56. the Popolucas of Veracruz

57. the Purepechas of Michoacán

58. the Quichés of Chiapas

59. the Seris of Sonora

60. the Tarahumaras of Chihuahua and Sinaloa

61. the Tepehuas of Veracruz

62. the Tepehuanes of Chihuahua, Durango and Sinaloa

63. the Tlapanecos of Guerrero

64. the Tojolabales of Chiapas

65. the Totonacos of Puebla and Veracruz

66. the Triquis of Oaxaca

67. the Tzeltales of Chiapas

68. the Tzotziles of Chiapas

69. the Yaquis of Sonora

70. the Zapotecos of the Oaxaca isthmus

71. the Zapotecos of the Sierra de Oaxaca

72. the Zoques of Chiapas

73. the Zoque-Chimalapas of Oaxaca

Statistical information on these minorities and indigenous groups and on their numbers relative to the majority population of the country

631. According to the nationwide population and housing surveys carried out in 1995 by the National Institute of Statistics, Geography and Informatics

(INEGI) of the Government of Mexico, the population aged five years or over speaking some indigenous language and therefore considered to belong to an indigenous group totals 5,483,555, of whom 4,649,103 also speak Spanish and 808,100 speak only an indigenous language and not Spanish.

632. Statistics, prepared by INEGI, on the population aged five years and over speaking some indigenous language, by sex and type of language, and by five-year age groups, are annexed to this report.

633. For the population in the 0-4 years age group, INEGI counted children whose father or mother, or both, speak some indigenous language and who will therefore inherit the language and belong to the country's indigenous peoples. In 1995, the number of children in this age group whose parents spoke an indigenous language was 1,232,036. According to the information provided by INEGI, the Mexican population that does not speak some indigenous language, and therefore does not form part of the indigenous peoples within the national territory, totals to 74,378,670 persons.

Specific positive measures taken between 1992 and 1996 to protect minorities and indigenous peoples and to preserve their ethnic, religious, cultural and linguistic identity

634. Articles 4 and 27 of the Constitution as amended in 1992 reflect the commitments made by the Government of Mexico on signing, in 1990, ILO Convention No. 169. They have resulted in an as yet limited series of amendments to secondary legislation, state constitutions, codes and regulations (a comprehensive list of the amendments made to date is annexed to this report).

635. In January 1991 a programme of services for indigenous groups was established by the National Human Rights Commission under the powers granted under article 2 and article 3, paragraphs II and VI, of the Commission's internal rules.

636. The aim of the programme is to provide special services for the indigenous population, whose social, economic and cultural characteristics make it one of the social groups most vulnerable to human rights violations. The programme is carried out by the Coordinating Office for Indigenous Affairs, which receives and processes complaints concerning human rights violations against indigenous people. Those currently being dealt with are ones allegedly committed by the federal authorities or involving the authorities of federal entities, the extent and nature of which are such that they affect the interests of indigenous populations. Complaints which do not fall under one of these headings are dealt with by the local committees concerend.

637. Complaints are also received from work teams that go out to the indigenous communities where the National Commission is operating a specific work programme. Furthermore, alleged violations of indigenous peoples' human rights that are brought to the Commission's attention by any means are automatically investigated, even if no formal complaint has been received.

638. Once the case has been investigated and the events giving rise to the complaint have been checked, the responsible authorities are issued with a recommendation to implement the law or prevent the occurrence of acts that violate human rights and to take appropriate steps to put a stop to such violations.

639. The National Human Rights Commission's Coordinating Office for Indigenous Affairs takes part in arbitration meetings at the request of community representatives, with the aim of finding alternative means of solving social conflicts.

640. It is important to note that one of the indigenous peoples' chief demands is for the impartial and efficient administration of justice, with unconditional respect for individual and social guarantees and recognition of their special ethnicity and culture.

641. In this connection, the National Human Rights Commission carried out a series of studies, on the basis of which amendments were made in 1991 to a number of provisions of the Federal Code of Criminal Procedure and the Code of Criminal Procedure for the Federal District. The most important feature of these reforms was recognition of the right of indigenous persons who do not speak sufficient Spanish to be provided with an interpreter to help them through the various stages of criminal proceedings, and the obligation for a judge to obtain all the information necessary to understand and assess the personality and circumstances of those involved in committing an offence, if they belong to ethnic groups. The National Institute for Indigenous Affairs has accordingly encouraged the presence of indigenous interpreters at trials, with the aim of supporting indigenous persons involved in the proceedings.

642. The President of the National Human Rights Commission, in his submission to the National Survey of Human Rights and the Participation of Indigenous Peoples, which was carried out by the Senate on 5 January 1996, made the following proposals:

A. Juridical measures

643. A study should be made of the possibility of granting the indigenous peoples' own authorities the power to resolve conflicts of interest in civil, criminal, labour, commercial and administrative matters and allowing their judgements and decisions to be ratified by the competent State authorities, under a simple procedure. Any special indigenous group authority would need to be bound by certain rules, including the following:

(a) The parties in a lawsuit or conflict of interest should belong to the same ethnic group or indigenous community;

(b) Any effects or consequences on persons or physical areas or in time, arising from the actions of the indigenous group authority should be strictly confined to the community itself;

(c) Both parties or groups of parties should voluntarily recognize the indigenous group authority;

(d) In criminal matters, the authority would not deal with offences classified as serious under codes of criminal procedure;

(e) The rules for criminal proceedings under indigenous peoples' customary law should not violate intentionally recognized human rights such as the right to a defence and the right not to be subjected to cruel, degrading, inhuman or excessive punishment.

644. Constitutional guarantees should be given regarding the right of indigenous persons to have interpreters and translators from the first moment of their detention, during preliminary investigations and, naturally, during proceedings or trials for offences deemed to be serious.

B. Policy measures

645. As regards political representation, indigenous peoples should of course have access to town halls, state congresses and to the national Congress itself. Such access should be granted in accordance with the classical theory of representation, at the level of state congresses and the national Congress, that is to say, instead of attempting to reserve a given quota of seats for indigenous groups, they should be elected in their capacity as citizens of the Republic and be subject to the same requirements and procedures as any other popularly elected representatives.

646. The current electoral districts at both the federal and the state levels should be altered so that, in districts that comprise only or mainly indigenous people, it is they who are elected in truly free, democratic elections. Such a step would need to be backed up by the establishment of bodies representing only indigenous people, which can deal with matters of concern only to indigenous people.

647. At the municipal level - the primary level from which communities are governed - the autonomy of indigenous people should be expressed in a different way, in order to avoid any distortion of genuine political representation.

648. In municipalities where the population contains a mixture of indigenous people and mestizos who, together, account for 50 per cent of the electorate, a similar percentage of seats on the local council should be occupied by indigenous citizens appointed according to the procedures of their customary law.

649. In any thorough reform of indigenous affairs, one problem that must be addressed and solved, and that affects not only the area of political representation but all other areas as well, is the definition of who is indigenous and who is not, an issue that, in Mexico, and indeed in much of Latin America, is a particularly complex one owing to the fact that such a large proportion of the population is mestizo and to the size - in both absolute and relative terms - of the indigenous population proper.

C. Economic and social measures

650. The proposals put forward are as follows:

(a) To combat poverty effectively;

(b) To channel increasing amounts of fiscal resources towards the promotion of indigenous development;

(c) To allow indigenous people to voice their priorities, demonstrate their strategies, administer their resources and receive the benefits of modernity and development in any way that is compatible with their own outlook on the world and on life;

(d) To establish specific bodies composed of indigenous people, to serve as forums where they can be heard and can meet with Governments and other social groups in order to work in a genuine, systematic and ongoing fashion, at dialogue, conciliation and conflict resolution;

(e) To create an economic and social council in those states of the Republic which have an indigenous population - that is to say, the vast majority of states - and a federal economic and social council for indigenous development made up of one representative of each of the state councils;

(f) To establish an agrarian programme for the country's indigenous communities, with the aim of seeking a solution to specific problems, without losing sight of the need for legal safeguards in the ownership of land and the means of production.

651. The National Human Rights Commission's Programme for Indigenous Affairs, in addition to monitoring the situation of indigenous persons who are in prison has the difficult task of dealing with the complaints submitted to the Commission; its aim is to educate indigenous peoples as to their rights and obligations under Mexican law and international instruments.

652. Thus, during the second half of 1996, 16 human rights training courses were given for indigenous communities in the states of Chiapas, Hidalgo, México, Michoacán and Oaxaca. In addition, a training programme was held in the states of Chiapas and Nayarit, aimed at supporting indigenous community work and promoted by community human rights defence leaders in their communities of origin. In Chiapas, the programme was carried out by Tzotzil, Tzeltal, Tojolabal and Zoque leaders and in Nayarit state, Cora, Huichol, Mexicanero and Tepehuano leaders.

653. In addition, 23 booklets and leaflets have been translated and published in 20 indigenous languages: *Derechos Humanos de los Indígenas* (The human rights of indigenous peoples) was published in Amuzgo, Chol, Mazahua, Mixe, Mixteco, two Náhuatl languages, Purépecha, Triqui, Tzeltal, Yaqui, Zapoteco and Zoque; *Primeros Auxilios en Derechos Humanos* (First aid in human rights) was published in Cora, Huasteco, Huichol, Otomi, Purépecha, Rarámuri, Tojolabal, Tzeltal and Tzotzil; and The Universal Declaration of Human Rights was published in Huasteco.

654. In addition, 16 television programmes have been shown, totalling 62 and a half hours of air time, on the issue of human rights for various ethnic groups in the country.

655. One of the main activities being carried out under the Programme, as mentioned above, is field visits to various indigenous communities, enabling programme staff to make direct contact with victims of human rights violations. Thus, during the last half of 1996, 13 field visits were made to the communities of Charahuen and Parangaricutiro, in Michoacán state; Santa María Xiqui, in Hidalgo state; Congregación Benito Juárez, San Blas Atempa, Juchitán and Tehuantepec, in Oaxaca state; Chalma, Chincontepec, Huayacotla, Ilamatlán, Ixhuatlán and Texcatepec, in Veracruz State (Huasteca zone).

656. In total, since the launch, in 1991, of the Programme for Indigenous Affairs, 157 field visits have been made to indigenous communities in various parts of the country. A total of 326 events have been organized, involving 6,760 participants from the Raramuri, Tepehuano, Cora, Huichol, Purépecha, Tzeltal, Tzotzil, Tojolabal, Chol, Zoque, Tlapaneco, Mixteco, Mixe, Zapoteco, Yaqui, Huasteco and Chontal communities.

657. As a mark of esteem and respect for indigenous peoples, a number of human rights texts have been published in indigenous languages, including: *Reglamento Interno de la CNDH* (Internal rules of the National Human Rights Commission), in Náhuatl and Otomí, and *Primer Informe Semestral de la CNDH* (First Biannual Report of the National Human Rights Commission), in Náhuatl and Maya. A number of studies on the human rights of indigenous peoples and communities in Oaxaca state, in Sierra Norte de Puebla, in Sierra Tarahumara, in Los Altos and in Selva de Chiapas have also been published, along with other studies in legal custom and customary law. Two directories have also been published, one on specialized non-governmental organizations and another on federal public sector services and programmes for the development of indigenous peoples. Booklets and leaflets on indigenous peoples' human rights have also been published and translated into various indigenous languages.

658. Collaboration agreements have been signed with various higher education institutions and the UNESCO virtual institute for peace, in the context of which a seminar on indigenous human rights and a diploma course on the human rights of indigenous communities were held.

659. Since May 1993, the National Human Rights Commission has produced television programmes on the Cora, Huichol, Maya, Mayo, Mazahua, Mixe, Mixteco, Nahua, Otomí, Purépecha, Raramuri, Totonaco, Triqui, Tzeltal, Yaqui and Zapoteco communities. These programmes have been broadcast nationwide during government air time on various channels, and in the states by direct local arrangement through 23 television stations and 183 cable channels, making a total of 8,000 broadcasts and 4,000 hours of air time.

660. The National Commission has also published the following books on the subject:

- *Informe sobre el programa de atención a comunidades indígenas de la sierra tarahumara* (Report on the programme of services for the indigenous communities of the Sierra Tarahumara) (1993)

- *Informe sobre el problema de las expulsiones en las comunidades indígenas de los Altos de Chiapas y los Derechos Humanos* (Report on the problem of the expulsion of indigenous communities in Altos de Chiapas and human rights (1993)

- *Las costumbres jurídicas de los indígenas en México. Avance de una investigación* (Legal customs among the indigenous peoples of Mexico. Preliminary research report) (1994)

- *Derechos Humanos de los indígenas* (The human rights of indigenous peoples) (leaflet, 1994)

- *Derechos Humanos de los indígenas* (The human rights of indigenous peoples) (booklet, 1994)

- *Contribución al estudio del derecho consuetudinario triqui* (Contribution to the study of Triqui customary law) (1995)

- *Tradiciones y costumbres jurídicas en comunidades indígenas de México* (Legal tradition and custom in the indigenous communities of Mexico) (1995)

- *El problema de las expulsiones en las comunidades indígenas de los Altos de Chiapas y los Derechos Humanos. Segundo Informe* (The problem of the expulsion of indigenous communities in Altos de Chiapas and human rights. Second report) (1995)

Measures aimed at giving minorities equal economic and political opportunities, with particular reference to the representation of such minorities and indigenous groups in central and local government

661. The reform of article 4 of the Mexican Constitution, mentioned above, was an important legislative measure adopted by the Government in order to guarantee indigenous peoples in Mexico equal economic and political opportunities.

662. However, as regards administration and economic planning, no legal or administrative measures have been implemented giving special consideration to the indigenous identity of citizens in connection with the anti-poverty programme ("Combate a la Pobreza"), which is aimed at the population as a whole. In this connection, all that can be mentioned is the regional solidarity funds operated with the support of the National Institute for Indigenous Affairs, which make funds available to indigenous communities and organizations for the financing of productive projects.

663. More information on this subject can be found in the consolidated document containing the ninth and tenth periodic reports of the Government of Mexico under the International Convention on the Elimination of All Forms of Racial Discrimination, submitted to the Committee on the Elimination of Racial Discrimination in 1994.

664. There is no specifically indigenous political representation in the various areas and levels of government. This is one of the demands of indigenous peoples that is currently being debated. Nevertheless, indigenous persons are beginning to occupy government positions and a number are now chairpersons of municipal councils, local and federal congressional representatives, senators and prosecutors.

The effective exercise of individual rights by every member of a minority or indigenous group

665. Progress - albeit relative to date - has been made in the way in which indigenous peoples exercise their rights in criminal proceedings, in which anthropological and linguistic experts and interpreters from nearly all the indigenous languages are involved.

666. There has also been an increase in the number of non-governmental organizations working in defence of human rights and indigenous rights, which give professional help to the communities without the direct intermediation of government institutions but with their financial assistance and support.

Information on any discrimination that persists in law or in practice in relation to minorities and indigenous populations' enjoyment of all the rights enshrined in the Covenant

667. The new article 4 of the Constitution recognizes the multicultural nature of Mexican society and the equality of all Mexicans before the law, with the social and cultural specificities to be expected, given the wide variety of indigenous peoples to be found in Mexico.

668. Discrimination as such does not occur in Mexico except in the economic and social sphere, and the Government has been working together with civil society to eliminate the backward conditions to which the indigenous populations have historically been relegated.

669. It is pointed out that the current debate in the context of the dialogue between the Federal Government and the Zapatista National Liberation Army on the conflict in Chiapas State has brightened the prospects for a strengthening of the rights of indigenous peoples and has established the basis for a new dialogue between the State and indigenous communities aimed at eliminating all discrimination against Mexico's indigenous peoples.

670. Further information on reform of the legislation on indigenous peoples resulting from the Chiapas negotiation process will be found in the eleventh periodic report of the Government of Mexico under the International Convention on the Elimination of All Forms of Racial Discrimination, submitted to the Committee on the Elimination of Racial Discrimination in 1996.